密勒氏評論報

THE WEEKLY REVIEW

Formerly Millard's Review

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MR. DYER'S INDICTMENT OF CHINA

HON. L. C. Dyer, an influential member of the American Congress who has been in China investigating conditions for several weeks, stated his impressions of the present situation in an interview which appeared in the *China Press* of Shanghai on Wednesday of this week. Mr. Dyer prefaced his remarks by expressing his long and sympathetic interest in China and the welfare of the Chinese people and explaining his reason for coming to China at this time which was for the purpose of obtaining information which he might report back to members of Congress, officials of the American government and the American people generally. Mr. Dyer's statement regarding present conditions in China follows:

The questions which I will be asked on my return to Washington are:

What are conditions in China today?

Are they establishing a stable government?

Is the country now reasonably well administered and is progress being made in railroad construction and industrial development?

Can it be considered safe to extend to China financial assistance to help build up her communications and industrial development?

Are the Chinese sustaining their reputation for individual honesty in the management and administration of government public utilities?

Are they meeting government obligations?

I feel, in consideration of my known esteem and friendship for the Chinese people that what I say will be accepted by them in the spirit of goodwill and sympathy which actuates me in my views on China.

I will, for what I believe to be the good of China and America, state in Washington that—

I find China in a condition of chaos, with civil war south of the Yangtse, Szechuan in the west reported in turmoil and armed camps dominating all parts of North China. In Peking I have met individually brilliant men and idealists but, possibly due to military interference, no real evidence of broad constructive endeavor to achieve to government affairs a unity of purpose to bind China together as a Nation.

In China's relations to American business I find a lack of the spirit of reciprocity to respond to the goodwill which America extends to China.

On the Yangtse steamers under the American flag have been repeatedly fired on by Chinese troops and hampered in their business operations because of Chinese official and military obstruction.

In many parts of China the lives of foreigners are endangered by uncontrolled soldiery and those in the guise of brigands, culminating in the recent deplorable incident at Kalgan where Chinese soldiers under Chinese officers murdered an American citizen.

I find China insolvent, due largely to the squandering of government funds in military adventures and the maintenance of demoralizing military forces. There appears to be a complete disregard for the obligations of China to American merchants and bankers.

I find in Peking numerous representatives of American commercial and financial interests, maintained here merely for the purpose of endeavoring to collect debts owed in many cases for years by the Chinese government.

I find on examination of some of the contracts that they were awarded by the Chinese government as a result of public tenders specifying final payment within a definite time after completion, delivery, and acception of goods. Such are examples of the obligations the Chinese government has failed to meet.

Aside from unpaid bills for materials, China has borrowed money from important and influential American banking interests. Some of these loans are in default both as to principal and interest—and have been in default for some time. Americans cannot understand what China is thinking of to permit those defaults to continue unremedied.

On the question of extraterritoriality I have not observed any convincing evidence of the existence of a judicial system which would warrant me in supporting in Washington any movement to abolish extraterritoriality thereby entrusting the lives and interests of Americans in China to Chinese administration of justice.

In frankly stating my impression of China as I see conditions today, I can assure you that China has the real sympathy and friendship of the American people. Without thought of infringement of China's sovereign rights she can obtain, against adequate pledges, financial assistance to pay off existing obligations and take in hand needed reforms to carry on her industrial development.

To accomplish this China must be united by a government which will command and hold authority as representative of the will and interests of the people of this great country.

I wish again to emphasize my good will and friendship for China, and that it is my purpose in Washington to do everything in my power to further the attainment of support to China so that the trade relations between our countries may be developed to the greatest possible extent.

THE INGRATITUDE OF THE PARLIAMENT

THE action of the parliament at Peking last week in refusing to ratify the nomination of Dr. Sao Ke Alfred Sze for Minister of Foreign Affairs and the earlier action in eliminating both Wellington Koo and Wang Chung-hui from the Cabinet will probably have the effect of strengthening the positions of all three of these gentlemen in the public opinion of the nation and they will reap the benefit when public opinion finally has a chance at making its influence felt in the government of the country. In a recent plebiscite conducted by this journal to determine the "Twelve Greatest Living Chinese," Messrs. Sze, Wang and Koo received high testimonials of the appreciation of the Chinese generally for their patriotic work in behalf of China while those members of parliament and the military buccaneers behind them who were responsible for their political downfall received no mention at all and are practically unknown among the Chinese generally. The present parliament was brought back for the specific purpose of completing the constitution, but so far as the outsider is aware this important work has progressed no further than when the parliament was dissolved in 1917. And this in spite of the fact that Chinese organizations as well as individuals in all parts of the country have pressed constantly for action. The president of the Chinese Chamber of Commerce in Shanghai recently confessed the inability of his organization to make any impression at all upon parliament in respect to action on the constitution in spite of frequent resolutions and telegrams demanding action. Members of parliament are apparently more interested in political intrigue than in the welfare of the country and apparently are completely out of touch with current public opinion in the country.

ANALYZING THE FACTS ON EXTRATERRITORIALITY

DURING the last few weeks and months the *Review* has published a number of articles dealing with the subject of Extraterritoriality, in the light of the action of the Washington Conference on this subject. The first article by Judge Benjamin H. Williams dealt with the general subject of extraterritoriality in China and appeared in these columns on August 19 of last year. Another article entitled, "Action of the Washington Conference Respecting Extraterritorial Rights in China," published on September 2 was written by Charles Cheney Hyde a member of the American Society of International Law and a member of the bar of Washington, D. C. Another article giving the views of a Chinese legal authority, Dr. Chang Yao-tseng, head of the Chinese commission appointed recently to investigate judicial conditions in China, appeared on December 30. In last week's issue of the *Review* appeared the first of a series on this subject by Robert T. Bryan, Jr., an American lawyer in Shanghai, who discusses extraterritoriality from the American standpoint. It is the purpose of the *Review* to publish during the next few months considerable material bearing on this important subject from both the foreign and Chinese standpoints and it is our hope that this will help somewhat in making this subject better understood and thereby assisting in the final solution of the problem. The fact that China has appointed a commission and appropriated a considerable sum of money for purposes of investigation indicates a serious intention on China's part to bring about a change in the present situation. This move on China's part has aroused to activity certain foreign interests which would be affected by a radical change in the present system, and this will also help in simplifying the work of the international commission of jurists which is to visit the Chinese Republic this fall for carrying out an investigation in accordance with the terms of the resolution adopted at Washington.

THE resolution adopted at Washington on the subject of Extraterritoriality reads as follows:

"The representatives of the Powers hereinafter named, participating in the discussion of Pacific and Far Eastern questions in the Conference on the Limitation of Armament, to wit, the United States of America, Belgium, the British Empire, France, Italy, Japan, the Netherlands, and Portugal,—

"Having taken note of the fact that in the Treaty between Great Britain and China dated September 5, 1902, in the Treaty between the United States of America and China dated October 8, 1903, and in the Treaty, between Japan and China dated October 8, 1903, these several Powers have agreed to give every assistance toward the attainment by the Chinese government of its expressed desire to reform its judicial system and to bring it into accord with that of Western nations, and have declared that they are also "prepared to relinquish extraterritorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant" them in so doing;

"Being sympathetically disposed towards furthering in this regard the aspiration to which the Chinese delegation gave expression on November 16, 1921, to the effect that "immediately, or as soon as circumstances will permit, existing limitations upon China's political, jurisdictional and administrative freedom of action are to be removed;

"Considering that any determination in regard to such action as might be appropriate to this end must depend upon the ascertainment and appreciation of complicated states of fact in regard to the laws and the judicial system and the methods of judicial administration of China, which this Conference is not in a position to determine;

"Have resolved. That the governments of the Powers above named shall establish a Commission (to which each of such governments shall appoint one member) to inquire into the present practice of extraterritorial jurisdiction in China, and into the laws and the judicial system and the methods of judicial administration of China, with a view to reporting to the governments of the several Powers above named their findings of fact in regard to these matters, and their recommendations as to such means as they may find suitable to improve the existing conditions of the administration of justice in China, and to assist and further the efforts of the Chinese government to effect such legislation and judicial reform as would warrant the several Powers in relinquishing, either progressively or otherwise, their respective rights of extraterritoriality;

"That the Commission herein contemplated shall be constituted within three months after the adjournment of the Conference in accordance with detailed arrangements to be hereafter agreed upon by the governments of the Powers above named, and shall be instructed to submit its report and recommendations within one year after the first meeting of the Commission;

"That each of the Powers aboye named shall be deemed free to accept or to reject all or any portion of the recommendations of the Commission herein contemplated, but that in no case shall any of the said Powers make its acceptance of all or any portion of such recommendations either directly or indirectly dependent on the granting by China of any special concession, favor, benefit or immunity, whether political or economic.

ADDITIONAL RESOLUTION.

"That the non-signatory Powers, having by treaty extraterritorial rights in China, may accede to the resolution affecting extraterritoriality and the administration of justice in China by deposting within three months after the adjournment of the Conference a written notice of accession with the government of the United States for communication by it to each of the signatory Powers.

ADDITIONAL RESOLUTION.

"That China, having taken note of the resolutions affecting the establishment of a Commission to investigate and report upon extraterritoriality and the administration of justice in China, expresses its satisfaction with the sympathetic disposition of the Powers herein before named in regard to the aspiration of the Chinese government to secure the abolition of extraterritoriality in China, and declares its intention to appoint a representative who shall have the right to sit as a member of the said Commission it being understood that China shall be deemed free to accept or to reject any or all of the recommendations of the Commission. Furthermore, China is prepared to cooperate in the work of this Commission and to afford to it every possible facility for the successful accomplishment of its tasks.

Adopted by the Conference on the Limitation of Armament at the Fourth Plenary Session, December 10, 1921."

THE practice of extraterritoriality in China is based upon treaties and is of many years duration. We believe that there is a general realization on the part of thinking Chinese, especially of the merchant and gentry classes, that China is not yet ready to accept complete responsibility of jurisdiction over the great number of foreigners who reside within the territorial limits of the Republic. This is especially true in such territories as Mongolia, Manchuria, Thibet, Szechuan, Yunnan and other districts where thejurisdiction of the Central government is so weak as to be practically nil. The political complications which have come with the establishment of the republic a dozen years ago have made it practically impossible for the Central government to develop a system of courts and especially a trained judiciary backed by many years of precedent and tradition necessary for a modern judicial system. The fact that China herself asked a postponment of the visit of the international commission authorized at Washington until this Fall, is proof of the feeling among responsible Chinese that the present political situation in China is not favorable even for an investigation. On the other hand we believe there is a general realization on the part of thinking foreigners as well as Chinese that the results of the European War have brought complications in the present status of extraterritoriality in China which should be remedied. Both Russians and Germans have lost their extraterritorial rights in China and now are subject to Chinese jurisdiction and the very fact that the nationals of two important western nations are now subject to Chinese courts has created complications and confusions and is probably the chief cause for the revived agitation now existing in Chinese circles for the abolition of the extraterritorial rights of all foreigners. The fact that confusion now exists and that complications are bound to increase as Germany and Russia recover their economic strength emphasizes our belief that an investigation into the present situation in China will be of great benefit and assistance to all interests concerned. The fact that neither Germany nor Russia are bound by the action of the Washington Conference is of great significance for it may place the strength of both those countries on China's side and this in turn may give their merchants certain advantages in competition which are likely to be felt by other foreigners as the months and years go by. The whole subject is of very great importance to Americans residing in China and it is vital that they urge through their organizations upon President Harding and the other branches of the American government that the strongest possible commission from the standpoint of personnel be sent to China for the purpose of participating in the investigation.

Ministry of Justice Repeals Old Law of Publication

According to a special dispatch published in the *Evening News* for January 26, the Ministry of Justice at Peking has issued an order repealing the Law of Publication promulgated for the control of the press during the regime of Yuan Shih-kai. The order points out that the Law of Publication as well as the Press Law were promulgated by the late President-Monarch Yuan Shih-kai at the time of the monarchical restoration with a view to restricting expression of public opinion. Although the Press Law was subsequently abrogated, the Law of Publication remained in force. The Ministry considers the existence of the Law of Publication unwarranted and adds that the operation of a newspaper and the publication of any printed matter are governed by Common Law, which provides sufficient restraint against libellous or obscene articles. Persons may seek redress for libel under Common Law.

Dr. Reinsch Gave His Life for China and America

DR. Paul S. Reinsch, American Minister to China from 1913 to 1919 and since 1920 Counsellor to the Chinese government, who died in Shanghai on Friday, January 26, literally gave his life in the interest of Chinese-American relations and mutual understanding. Although Dr. Reinsch's book, "An American Diplomat in China," published last year gives a considerable insight into his work as American Minister in Peking during the critical period of the European War, there is hope that Mrs. Reinsch will publish his correspondence with the State Department in order that the inside history of Peking diplomacy in this historical period may be made better known to Americans generally. That there is need for further information is shown in the chapter of his book dealing with the Lansing-Ishii exchange of notes (now happily discarded as an American policy) wherein Dr. Reinsch explains how officials of the State Department and probably President Wilson himself were made the dupes of a clever Japanese diplomat, Baron Ishii who was working in conjunction with agents of other governments in obtaining from America a statement that could be twisted into an admission of the "sphere of influence" doctrine in China and a ratification by America of the whole pack of secret agreements negotiated by Japan with Great Britain, France, Italy, and Russia confirming Japan's position in Shantung and other matters. The publication of the memoirs of Walter H. Page, American Ambassador to Great Britain during the war, did a great deal to make the American people understand how their countrys' affairs were mismanaged by the State Department during the critical war period and we are sure that a similar compilation of Dr. Reinsch's correspondence would be equally illuminating to Americans interested in this part of the world. However, enough is already known of Dr. Reinsch's work in China to mark him as a man of sincere patriotism for America and a sincere friend of China. One had but to visit the American legation in Peking during the anxious days of 1917-18-19 to realize the strength of the advice of the American minister in the affairs of the Chinese government. One example which came to the attention of the writer will illustrate this.

It was during the deliberations of the Versailles Conference. The news had just reached the capital that China's delegates had made an independent stand; had refused to accept the Shantung settlement. First there was apprehension in Chinese circles in Peking and then there was a near panic when it became known that the Japanese Minister had called upon the Foreign Office and made a demand that China either disavow the stand of her delegates at Paris or Japan would take "suitable action." Also carefully timed with the Japanese Minister's visit to the Foreign Office came telegrams from Mukden and Tsingtao of military demonstrations on the part of the Japanese forces with a threat of an actual occupation of the Capital. A young Chinese newspaper man was the first to get the news and without delay went to see Dr. Reinsch. It was near midnight but the American Minister was still up working over a dispatch in his office in the chancery.

He explained the situation to Dr. Reinsch and ended with the pathetic appeal, "This is China's darkest day." Dr. Reinsch looked up from his work, thought a minute and said:

"Mr. Tong, it is indeed a dark day for China, but it will be darker still if China submits to this Japanese threat. If the President and Cabinet are such cowards that they would pay attention to this Japanese threat and cut the ground from under the feet of China's patriotic delegates at Paris, then we might as well close up shop, go home and permit Japan to take over the government of the Chinese Republic."

And then in a firmer tone of voice, the American Minister continued:

"Tong, it is up to you! China's safety depends entirely upon the fullest publicity regarding this Japanese threat. You are a newspaper man. Write an article giving the fullest possible information about this situation and get that article printed in the Chinese and foreign newspapers. Do it tonight."

Needless to state Dr. Reinsch's advice was followed and the next day the entire tale was in the newspapers in Peking, Tientsin and Shanghai. By noon of that day a group of students in Peking had collected by public subscription a sufficient fund to pay for cablegrams to the Chinese delegates at Paris telling them to stand their ground and also telegrams to student bodies all over the country urging action. This is the real story of the beginning of the anti-Japanese boycott in China. The boycott started in Shanghai and was directed first against the corrupt officials of the Peking, government who had been instrumental in selling out their country to Japan through the Anfu Club. The boycott then turned against Japan and resulted in a nation-wide rejection of Japanese goods which is still in existence in certain parts of China notably Szechuan province. That Dr. Reinsch's advice to the Chinese newspaper man was sound as well as his advice to Chinese officials at an earlier day in connection with the "Twenty-one Demands" of 1915 and to the best interests of both China and the United States has been borne out by later events notably the results of the Washington Conference. Had Dr. Reinsch followed the easier course and permitted matters to drift, China now in all probability would be to all intents and purposes a province of Japan and the seeds for another war in the Orient would be sprouting.

Among Dr. Reinsch's closest friends at Peking during his ministership was Sir John Jordan, British Minister, and it is certain that Dr. Reinsch had the benefit upon many occasions of the British Minister's long experience in Chinese affairs. Dr. Charles D. Tenney, Chinese secretary and Charge d'Affaires after Dr. Reinsch's resignation, in a letter to the State Department said:

"Mr. Reinsch left Peking on the evening of the thirteenth instant and the scene at the railway station was of an unusual and gratifying description. Although it is not customary for guards of honor to be tendered by other legations on the departure of ministers, on this occasion there was present a detachment from the British Legation Guard, and there were also present detachments from the American Legation Guard, the Peking police force and the Peking gendarmerie, with military music. The Acting Premier came in person to the station to bid farewell to Mr. Reinsch and there were present a thousand persons, including Chinese officials, foreign diplomats, representatives of all varieties of institutions and societies, and personal friends of all nationalities."

American business men in China who came in contact with Dr. Reinsch also came to have a very high regard for him and for his efforts to promote American interests in China. Although some important starts were made it was always a matter

of keen regret to the American Minister that Americans individually as well as governmentally did not pay closer attention to their opportunities in this part of the world. His most important quality was action and a disregard for precedents and red tape. He was never content to permit matters to drift and his knowledge of Chinese politics always enabled him to find ways for getting things done. It was the influence of Dr. Reinsch more than that of any other individual that finally caused China to break off relations with the Central Powers in the European War.

The real story of the reasons for Dr. Reinsch's resignation as American Minister at Peking is still to be told, but according to reliable report it was largely due to the failure of President Wilson to carry out at Paris promises he had instructed Dr. Reinsch to make to China upon China's declaration of war upon Germany. When President Wilson was urging upon China the matter of a break with Germany he undoubtedly authorized Dr. Reinsch to inform the Chinese that America would stand up for China at the final Peace Conference. When Mr. Wilson failed to do this and assented to the Shantung agreement, at Versailles, there was nothing further for Dr. Reinsch to do but resign and this he did although it meant a great personal sacrifice for Dr. Reinsch as everyone knew had been a college professor before his appointment as minister and was without private fortune. This action constitutes a further testimonial to his sterling character as a man.

After his resignation, Dr. Reinsch went to Washington and opened an office for the practice of law. Before leaving Peking in September of 1919, the President of China through the Premier, Mr. Chow Tse-chi approached Dr. Reinsch and invited him to act as counsellor to the Chinese government, with residence in America. Upon his arrival in America Dr. Reinsch accepted this invitation and since 1920 occupied that position to the time of his death. His recent trip to China was in connection with this work and it is generally believed by his closest friends that his break-down was caused by worry over the situation in China and by China's failure to take advantage of her opportunities for unification and development afforded by the Washington Conference. It has been reported that the Chinese government has failed to even pay him his salary for several months and worry over financial matters combined with disappointment at China's failure to take advantage of her opportunities caused his health to give way. His death was caused by an inflammation of the brain—the attack coming upon him while he was in a conference with General Wu Pei-fu at Loyang.

Upon Dr. Reinsch's acceptance of the position of counsellor of the Chinese government in Washington he was severely attacked by the whole crowd of official and unofficial Japanese and other propagandists, the attacks being strangely similar to those directed at Anson Burlingame by Europeans when he resigned his position as American Minister to China in 1867 and accepted the head of the so-called "Burlingame Mission" to the various nations of the world on behalf of the Chinese government.

The memorial service held in Shanghai on Tuesday of this week was a fitting testimonial of the high regard in which Dr. Reinsch was held not only by his fellow-countrymen, but also by the Chinese people generally. Dr. F. L. Hawks-Pott, president of St. John's University, who delivered the address at the memorial service said that Dr. Reinsch's work as American Minister in China during the critical war period was on a par with the work of Walter H. Page, American Ambassador to Great Britain, and Henry Morgenthau, Ambassador to Turkey, the three constituting America's greatest war ministers who did faithful service for their country in spite of the inefficiency of the State Department and the lack of interest on the part of their home government. His work in China as American Minister is highly regarded and appreciated by American residents in China who knew him both officially and as a friend and the results of his patriotic work will live for many generations in the minds of men interested in the peace and well being of this part of the world.

J. B. P.

Dr. Reinsch Honored by Memorial Service

Dr. Paul S Reinsch, former American Minister to China, who died at Dr. Fearn's Sanitorium, on Friday, January 26, was paid a tribute by a large number of representatives of various organizations in Shanghai and many personal friends, foreigners and Chinese, at a memorial service held at the Union Church on Tuesday, January 30, at 5:15 o'clock. Dr. F. L. Hawks Pott, president of St. John's University, delivered the address, following the reading of a prayer.

Dr. Pott in his address reviewed the main events of Dr. Reinsch's career, an American who devoted the greater part of his life in creating more friendly relations and a greater understanding between America and China. His public life falls naturally into three periods—first his work in connection with the academic world at the University of Wisconsin, then his work as a diplomat, as Minister to China, and lastly his work as Adviser to the Chinese government, remarked Dr. Pott. All who had the privilege of being his students testify to the stimulus and inspiration which they dervived from their teacher. He was never content to be a scholar merely, but was always seeking for a practical outlet for his knowledge, and for its application to world problems.

During the time when he was professor at the University of Wisconsin, his interest came to be more and more focused on China, which may be due to the fact that he became acquainted with a large number of Chinese students, attracted to the university to receive his instruction. This was the period of his greatest literary activity, having published in 1900 the very remarkable book on "World Politics" which immediately won for him a reputation as one of the clearest thinkers on international problems. It was in this book he pointed out the growth of imperialism, and warned his own country against it, and predicted the menace to the world of the German imperialistic policy.

"He also pointed out the part the United States should play in the development of New China, not in an aggressive way but through friendship and in a way that would be mutually advantageous to both countries. In 1911 he published another book, in regard to the Orient "Intellectual Currents in the Far East," which showed how closely he was watching the effects of the new thought on the old Chinese civilization.

"During the time when he took a prominent part in Pan-American conferences in the United States and South America he was unconsciously preparing himself for the second period of his life, to be spent as United States Minister to China. The appointment came to him in 1913, and it would have been difficult for President Wilson to have made a better choice.

"His name will always be ranked with the other two great ambassadors appointed at that time—Walter Page to Great Britain and Morgenthau to Turkey.

"The period in which he was minister, 1913-1919, was a most critical one for the world and for China.

"Think for a moment of some of the things that happened in this country.

Japan's encroachment in Shantung,
The Twenty-one Demands.
The Coup d'etat of Yuan Shih-kai.
China's Break with Germany.
Chang Hsun's attempt to restore the Monarchy.
The Student Strikes.
The Exchange of the Lansing-Ishii Notes.

"All through this difficult period he was a wise guardian of the interests of his own country, a strong advocate of the policy of "the open door," and a faithful friend and adviser to China. He gave us an account of those trying days in his book, "An American Diplomat in China" and from it we learn what type of man he was and what great aims he set before himself.

"He was anxious to interest his own country in the development of China commercially, industrially and educationally. He lamented the fact that our government and country were so slow in realizing the opportunities before them of really helping China and assisting in her rehabilitation. He, like Ambassador Page, was disappointed because he did not get the support he had a right to expect from the home government.

"In his letter to President Wilson submitting his resignation, he unburdens himself especially in regard to the Lansing-Ishii Notes and our failure to preserve the rights of China at Versailles.

"During the six years of his residence in Peking, he made a host of friends, both among the representatives of other countries and among the Chinese officials. He was always desirous of promoting unity, and as one of the means to this end, he founded the Association of Political Science.

"From the beginning he appreciated that there should be the closest understanding between the United States and Great Britain, for to use his own words he held, "The best minds of both nations have long realized that, with all the industrial and commercial rivalry between them they are at one on the essentials of civilization and government."

"No minister ever had greater honor paid to him on his departure from Peking than Dr. Reinsch.

A letter was read from Dr. Tenney, telling of the large number of officials from the various Legations, both Foreign and Chinese, besides many personal friends, present at the railway station when Dr. Reinsch left Peking.

The President of China on this occasion expressed the appreciation of his people for the departing Minister in the following words: "The Chinese look to you to be a friend and guide to them and we hope your action and influence may continue for many decades."

Thus Dr. Reinsch comes to the last period of his life, for he died at the early age of fifty-three years. He had given so much of his life to China that he still wanted to go on "to help a vast and lovable people to realize its striving for a better life."

He took up the position of Adviser to the Chinese Government. He was of great assistance to her representatives during the Washington Conference. He came to China last year to further plans that he believed would be for the benefit of this country.

"Some of you may have read in the "Americanisation of Edward Bok," the author's account of the visit to Emerson, after the poet's mind had become clouded. It is full of pathos. And so for us Americans, as we think of Dr. Reinsch, the darkening of his mind during his last days (one of the most brilliant minds of our generation) seems to us infinitely pathetic and tragic. His life seems to have been cut off just when he could have been so useful in bringing about further cooperation between the United States and China.

But I must not close with the note of sadness, but rather with one of thankfulness.

"We should be grateful for the example he has given us of a man of great ability and exalted character with highest ideals in regard to the new diplomacy—a diplomacy based on mutual understanding among nations, leading them to peace and harmony—imbued with the ethics of Christianity. He was a great American. He realized what his country really stood for. He applied and would bid each one of us apply to America those words of Wordsworth –

"For dearly must we prize thee: we who find
In thee a bulwark for the cause of Men."

"A bulwark for the cause of men—that is what he believed her to be—that is why he prized her—that is why he wanted to extend her influence—that is why he spent his life for her—that is why his example will always be an inspiration to a true American.

The American Company, S. V. C., attended the services in uniform and representatives were present from the American Club, the American Chamber of Commerce, the University of Wisconsin, the American Association, the American Returned Students Club, the Chinese Chamber of Commerce, the American University Club and a number of prominent Chinese. Magistrate Kwan, the Senior Magistrate of the International Court, and Mr. Kang Yu-wei, an old friend of Dr. Reinsch, were also present. United States Consul-General Edwin S. Cunningham, represented the American government in the absence of the American Minister, Dr. Jacob Gould Schurman, and Mr. James Davis and Mr. A. N. Allman of the Consulate attended officially, as also did Judge C. S. Lobingier of the U. S. Court for China.

Expressions of condolence have been received from a large number who were unable to attend the services including Dr. Sun Yat-sen; Mr. Hsu Yuan, Commissioner for Foreign Affairs; Tuchun Chi of Nanking (personally and officially), and the Civil Governor of Tsingtao."

Cantonese and the Kuomintang

BY HIN WONG

TAKING advantage of the strife between Dr. Sun Yat-sen and General Chen Chiung-ming in Kwangtung and upon the invitation of the Kuomintang, the Yunnan-Kwangsi militarists, who incline towards the Chenghsuehhui in politics, have regained control of this most powerful and important province in South China.

The Chenghsuehhui leaders of South China, working in conjunction with the Chang Shou-tseng ministry in Peking, will propose terms of reunification. The appointment of provincial officials will be such as to enable the Chenghsuehhui to procure political control of the provinces of Kwangtung and Kwangsi. To guard against expected opposition of the Kuomintang, the Yunnan-Kwangsi troops who have just reentered Canton will not return to their respective homes for some time to come, if they withdraw at all voluntarily. To create a problem and grounds for future negotiation, the militarists of these two non-Cantonese military units have seized important civil government offices without order of the constitutionalist president and have reopened public gambling in opposition to the wishes of the substantial Cantonese.

The Kuomintang erred in overlooking the greater of two evils when no serious attempt was made to consult with the powers behind General Chen Chiung-ming before military aid was asked of the non-Cantonese troops.

To save the face of Dr. Sun Yat-sen once more and lessen the sufferings of the Cantonese people from further bad government or a renewal of guerilla warfare, it may not be too late for the Kuomintang to reunite itself and reform its policy and methods.

The Kuomintang, in order to enlist the support of the more intelligent and substantial Cantonese, should be more liberal in its policy and less intolerant towards its enemy. The Kuomintang does not have sufficient members to manage every government office with efficiency and economy and an opponent of Kuomintang principles and practice is not necessarily unfriendly *per se* to its leaders or detrimental to the interest of the province or country.

There are four chief elements in the Kuomintang, and the inability of these to combine has been the cause of many failures in Kwangtung the chief center of their operation the last ten years. The Kuomintang has a few overseas wealthy Chinese who have been the back-bone of the party's finance. It has also a strong following among the overseas working Chinese and small merchants. In fact, the strength of the Kuomintang is in these two foregoing classes. It has also supporters among some educated men of China of the semi-modern school. To these three elements may be added not a few returned students. The Kuomintang, with a following of men of wealth, action, and of home and foreign education, has been fairly successful here in the labor of destruction. Its constructive record is yet to be shown.

The failure of the Kuomintang to achieve anything notable in the last ten years has undoubtedly been due to its attempt to dictate a national policy without an assurance of understanding and support among the people of the nation, to effect high-class and rapid reforms which the naturally slow progress of the people are unprepared for, and to exclude a second or a third party which should be given the same opportunity and privilege of offering its service to Kwangtung or China.

The influence of the Kuomintang in Kwangtung has not been in the right direction, and without the attractive personality and enthusiasm of Dr. Sun Yat-sen to hold the elements together, this self-deteriorating party is liable to become an insignificant factor soon in local politics.

AN EASILY UNDERSTOOD BANK STATEMENT

The American-Oriental Banking Corporation

SHANGHAI

As of December 31st, 1922

THE BANK OWES

1.	Repayable on demand		$2,742,414.85
2.	To depositors for call deposits and current accounts	$1,758,414.85	
3.	To holders of banknotes in circulation	984,000.00	
4.	Other than demand obligations		1,521,333.80
5.	To depositors for fixed deposits and savings accounts	$1,500,574.43	
6.	To customers for accrued interest, etc.	20,759.37	
7.	*Total Liabilities of the Bank* — The careful banker always has the repayment of these obligations in mind and arranges his assets accordingly.		$4,263,748.65

TO MEET THESE OBLIGATIONS, THE BANK HAS

8.	Cash on hand and in local banks	$1,103,546.99
9.	Demand Loans-Callable at any time	1,637,521.41
10.	Stocks and bonds—Immediately salable	285,986.42
11.	Loans and discounts—maturing in less than three months and covered by security worth on the average 1½ times the amount lent	945 963.91
12	Real Estate	740,967.69
13.	Prepaid items and other assets	87,672.81
14.	Furniture and fixtures	15,193.41
15.	*Total to meet indebtedness*	$4,716,852.64
16.	This leaves a Surplus of — which represents the investment of the stockholders in the bank and is a margin of safety which guarantees the security of depositors' funds.	$ 453,103.99

The above listed resources do not include the item of GOOD WILL which nevertheless is one of our most valued assets. While no monetary value is assigned to this in the foregoing statement, it is largely upon this factor—gained we believe by five years' sincere effort to render friendly, personal financial service—that we base our expectation for the continued growth of the bank.

The foregoing figures are taken from the audited statement of the bank's condition on December 31, 1922, drawn up by G. H. and N. Thomson, Chartered Accountants. Copies of the certified balance sheet will be sent on request.

To preserve whatever influence it may now possess in Kwangtung, the Kuomintang should reorganize its methods and admit more members, disregarding the degrees and ranks now informally but virtually recognized in its membership. Instead of concentrating its attention on national and provincial politics, the Kuomintang should pay particular attention to Kwangtung local affairs, and interest itself in matters in the districts inland. The Kuomintang should reopen its branch headquarters in the important towns and villages in Kwangtung, encourage the inhabitants to agitate in favor of universal suffrage, control as many district governments as possible, and instead of disbanding the present punitive battalions, reorganize them into sectional civil police after a course of vocational training. With less corrupt officials in office and the backing of a trained police to enforce order, better roads may be built and thus mining and other local industries and resources may be developed. In the meantime, the public middle schools should be so conducted as to afford military training and vocational studies in addition to general subjects of culture and knowledge so that, within a comparatively short time, the young men of the province will be politically as well as economically independent.

One of the causes of the internal strife within the Kuomintang has been the inability of the leaders to divide party spoils equally and to provide channels of action to all those who claim for a share Local government, local education and social service should be media through which wealth, education, and man-power may each play a part for the good interest as well as for the happiness and prosperity of the whole community.

Canton, January 30, 1923.

China's Default and Debt Collection

BY CHANNING CHU

The following article appeared in the form of a letter in the January 24 issue of Finance and Commerce and is reprinted here because of the bearing of the arguments contained upon matters discussed in these columns recently.

THE calm and courteous attitude of the Ministers of the United States, Great Britain, France and Japan at Peking with respect to the defaulted Chinese government bonds came as a surprise to most people. Contrary to current reports, they merely presented to the debtor government their official protest, in which neither any drastic measure, nor the rumoured application of the sinking fund for the domestic bonds to the discharge of the foreign debts seems to have been hinted. Indeed, one might suppose that, in view of the uncollected huge European debts, American investors can afford to belittle this Chinese bill, but that theory alone does not explain the attitude of others, especially when Great Britain and France have their own bills to pay.

However, when the matter is carefully studied, one finds that a subtle change has taken place in the art of international debt collection method characterized usually by coercion and sometimes even by bombardment is now gradually being superseded by liberal and enlightened policy. Clever diplomatists and shrewd business men are coming to realize that any collection procedure that is likely to endanger the goodwill between two nations is not only objectionable in point of collection efficiency, but also not worth while in the long run. They become aware of the fact that if defaults except those wilful ones of which Soviet Russia was an example can be made good by helping to put a debtor in a position to pay, it will be unwise for any creditor to coerce and thereby give the debtor the impression of a Shylock.

Shallow critics and trouble-making journalists who still live in the ideas of mediaeval times when defaults were usually followed by confiscation of debtor's property and personal freedom are apt to neglect looking at both sides of the question. They maintain that any default, whatever may be its causes cannot but result from bad faith, and, on that ground, they allege further, speedy remedy should be applied by controlling debtor's entire finance and, if possible, his other assets. The trouble with their views, however, is twofold. First, they fail to differentiate the case of an individual from that of a nation. Second, they fail to recognize the importance of good will as an invaluable asset in all commercial dealings, whether national or international.

A nation, an individual, and a corporation can equally become bankrupt, but the method of dealing with the catastrophe is different in each case. In the case of an individual it is believed to be in the public interest to put the offender out of business for the rest of his life. In that attitude it has become customary immediately to attach all his possessions of every description. With a nation, the cause is different. A strong nation can ride the high horse and almost dictate terms to its creditors. A weak nation may contrive to occupy a strategic position from which it can hint at interference of stronger nations on its behalf. Thus the treatment of a debtor nation by its creditors should not be governed by mere passion or any political ambition, but depend largely on its concealed strength whether actual or strategic.

Furthermore, time has modified so much of the old commercial conservatism that even in the treatment of individual debtors there is a tendency toward leniency. Take a modern banker for instance. He wants to be an "all round" man, pleasing to everybody, instead of being a usurer. Except in wilful instances, he is more likely to sympathize with a debtor's misfortune than to pursue any drastic course of revenge. He will point out to the debtor the causes of his failure and co-operate with him to set his business afoot again without any reluctance. In the end, he collects defaulted debts in full and retains the good will at the same time. The basic idea of such a policy does not rest on mere philanthropy, or altruism, but the fundamental economic principle of related prosperity. That is, a band cannot be prosperous, if the community in which it is located is not. Likewise, no nations can be prosperous, unless other nations with which it deals directly or indirectly are.

It is essential at all cost to bear these matters in mind in the treatment of the Chinese default. China, with its abundant natural resources and vast population, is a good commerical proposition. Its present default, due more to the temporary ill-management of its finance by a corrupted few than any intended bad faith on the part of the people, cannot set aside the fact that, if properly handled, it is a profitable field for investment. The remedy, therefore, should be sought in the elimination of the causes of the default rather than in that of results and in the co-operation with the debtor nation to prevent such causes rather than in any questionable attempt to control Chinese national finance. Any foreigner who has been a careful observer of Chinese political and economic affairs will admit that evil strife and militarism in China have been largely responsible for the failure of the government to balance the budget, and yet there have been those who would take very little of this into consideration, but continue to finance and sell munitions to military factions in spite of the many protests and warnings of the Chinese people. Indeed, they made some money that way, but, in the aggregate, they could not avoid loss; owing to the fact that China's economic interest is interwoven with that of the whole world, and that China's loss will be nobody's gain in the ultimate economic settlement. Unfortunately, this has been too tardily realized and, instead, the irrelevant attempt to control Chinese national finance unduely emphasized. Hence the trouble.

There is no intention here to bespeak the Chinese default, far less to criticize the well founded demand for the control of the stipulated sinking fund in security against the defaulted bonds. On the contrary, the writer aims to set forth two cardinal principles of foreign investment, which are very simple, very important, but very little observed. There is first the principle of good will, the importance of which has already been emphasized in the above and hence no repetition is necessary. There is second the principle of credit analysis, —a principle usually adhered to by bankers in granting credits to individuals and corporations, but ignored altogether in passing loans to governments. As a matter of fact, that is as important with individual as with governmental credits. Much of a nation's solvency and its fiscal policy can be determined from its budgets and the general impression of the efficiency of its government. If budgets and other factors, essential to the credit analysis of a government, were regarded in the same way as the financial statements of a corporation or an individual usually are, there would not have been so many cases of defaults as are found in the Reports of the Council of Foreign Bondholders in London. The writer hopes that henceforth due care will be exercised, and that the rule "*caveat emptor*" be always remembered in foreign investment.

The National Commercial Bank,
Shanghai, January 17, 1923.

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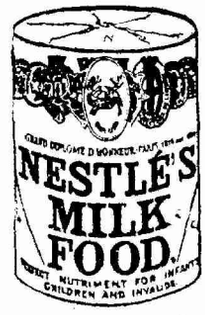

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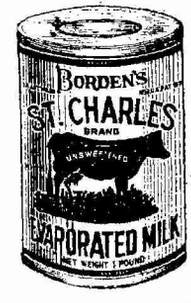

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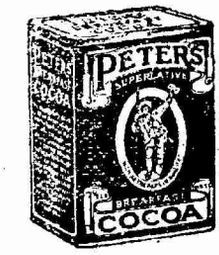

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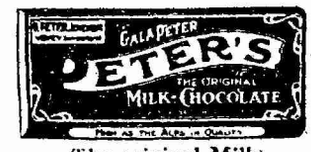

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Financial Engineering for Hwai River Conservancy

BY JOHN EARL BAKER

WITH the possible exception of the Yellow, no other river in China causes more distress than the Hwai. For the simple reason that it has no outlet to the sea, the Hwai river runs wild every few years.

Because of the great demands made upon charity funds by the suffering from this source, several investigations have been made as to the possibility of taming the Hwai. Though surveys have not definitely fixed the routes and the levels for conservancy construction, engineers have come to the conclusion that it is possible to confine the Hwai to safe channels. For several years the Hon. Chang Chien has directed surveys and attempted minor works calculated to minimize the effect of floods. The provincial authorities were sufficiently interested to send a messenger to the Pan-Pacific Conference in Honolulu last November to lay a report before that body in the hope of enlisting its interest. A committee identified with the Chinese Foreign Famine Relief Committee of Shanghai is also attempting to prepare for some constructive work in the Hwai region, and is negotiating with various engineers to make further studies of the problem.

In this case, like thousands of others in China, the civil engineering problems involved are very simple compared to the financial engineering problem. Provincial treasuries are empty. Peking is bankrupt. The large famine relief funds are nearly exhausted. A foreign loan is out of the question. No security, either national or provincial, can be offered which would appeal to bankers. If foreign capitalists were willing to lend, the Chinese public would refuse to borrow. Does this mean that the financial problems is beyond hope of solution? Along conventional lines, yes.

But if the Chinese government is bankrupt, the Chinese people are not. What is it that will be required to regulate the Hwai river? Principally an artificial outlet to the sea. And what will produce such an outlet to the sea? Principally land through which to dig it and labor with which to do the digging. The land and the labor are right here in China. They are the commodities in which China leads the nations of the world. Why plead bankruptcy when China has more of these two most necessary assets than any other country?

To be sure, the land necessary for the outlet can not be confiscated and the owners dispossessed. Neither can the labor be impressed or hired for nothing. At least it would take a strong government to do such a thing. But the incalculable benefits to the millions of *mou* of land subject to flood every few years, if assessed a very little would soon make up the sum necessary to reimburse the farmers whose land must be taken. And a small tax upon each person whose life is endangered and who at best every few years is plunged into months of misery, would hire a considerable labor force. In fact, it might be arranged so that those who pay the tax might earn it back. The devising of the form of the tax, the creating of popular sentiment which will be necessary to a successful tax levy, and the correlating of the collection with the expenditure so as to reduce the levy as nearly as possible to a credit transaction, these are the tasks which must be carried to a partial conclusion by the financial engineer before the civil engineers can have an opportunity.

Conservatives have plenty of reason for saying "It can't be done." But in 1920 when it was proposed to relieve famine sufferers by employing them to build public improvements, the majority of well intentioned and well informed people of careful instincts said, "It can't be done." They said it in a variety of ways. "Too much money will be diverted to engineering and tools." "You can't get the land." "You can't get the land in time to do any relief work." "You will have to pay so much for the land that nothing will be left for relief." "The sufferers can't or won't work." "Bandits." "The officials won't co-operate." All of these, and more, were reasons why it couldn't be done in 1920. Yet it was done. Within the space of eleven months the Ministry of Communications constructed 300 miles of railway embankment and the American Red Cross built 850 miles of highway. Officials and local gentry co-operated so that not a single cent was spent for land by the Red Cross. Not a dollar nor a sack of grain was taken by bandits. Over 150,000 men were employed and 900,000 people were fed during some portion of the starvation period. The limitation of construction to some 1,200 miles of line was due not to the lack of funds, but to the original belief that it could not be done. In fact Chinese sources alone produced sufficient funds to have quadrupled the construction work which actually took place. If a reasonable faith animates those who want to see the Hwai river made safe for Chinese democracy and sufficient intelligence and energy is put into acting upon that faith, there is a bare possibility that this job also can be done.

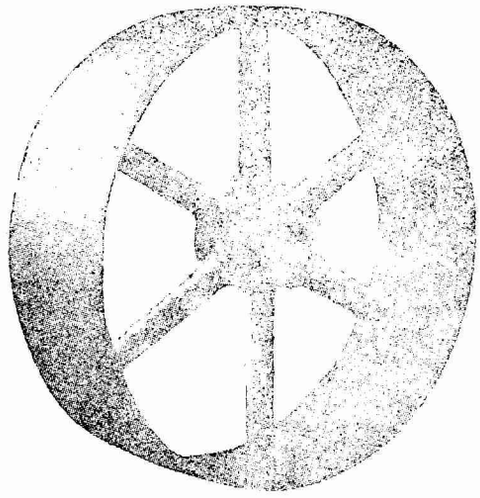
The money which the Shanghai Famine Relief Committee contemplated spending on its civil engineering forces, so far as required, should first be put into financial engineering. A financial engineer should be employed on terms very similar to those which were to be offered to Mr. Freeman. The financial engineer should then proceed to the territory inundated in 1921 to gather data upon the location of the flooded areas, their products, their financial resources,—in short their ability to pay taxes. He should make the acquaintance of the influential men of the province, hsiens and villages. He should get their ideas, and estimate of how much they desire that the flood peril should pass, and a reaction upon tentative proposals toward accomplishing that end.

Of course, it is just possible that this investigation would prove that nothing could be collected under the most favorable circumtances. Members of the Shanghai Committee even now assure us that not only can no tax be collected but that the mere mention of the subject is likely to embarrass any engineers who may visit the territory. Without a thorough investigation of the subject, this seems hard to believe. But it is possible that these men are correct. If so it would be very interesting and useful to know what classes of people are objecting to the tax, what the grounds are for their objections, and why those objections can not be met. One class of objectors are perhaps the same kind of petty officials who have always looked upon a flood as a golden opportunity for filling their own pockets. The writer has understood that this class was instrumental in causing the American Red Cross to discontinue its investigations in the Hwai region back in 1915. It would be well to have a list of such "conscientious objectors."

Another class of objectors are the large landholders whose titles are of the "squatter" variety since the Taiping rebellion, and who hope to have these lands made two or three fold more valuable by reclamation work done at public expense or by charity. Of course this is an enterprising attitude if there were any hope that charitable societies could be gulled or cajoled into such a stupendous work. Of course contributors toward flood relief in the Hwai Valley would dig down into their pockets deeply and cheerfully if they knew that by so doing they were helping to make landlords able to buy several more wives! A third class of objectors are the small landholders who feel that they are taxed to the limit now and have no faith that any new tax no matter for what object it is raised will ever get beyond the coffers of local and provincial officials. This is a real objection and no doubt it is one of the reasons why the provincial officials or Chang Chien have not been able to carry any of the many projects through to a conclusion.

Because the third class of possible objectors are numerous and deserving, the International famine relief societies have an excuse for tendering their services. Otherwise, the subject is purely one between the government and the people. The general run of the Chinese public has preferred to see famine relief matters taken into the hands of international societies for reasons which are well known. It is really no reflection on present day Chinese that they are undergoing a political transition, and that as a result their law concerning fiduciary relations is unsettled and their courts are untried. By the use of the international famine relief society certain law and experienced courts can be borrowed. The foreign treasurer and auditor can be put under bonds. If they default not only can they be punished swiftly and certainly but the misused funds can be recovered in full. The use of the machinery which the international famine relief societies can bring to the job should meet the objections of the really important objectors. If it can be shown further that the funds which they pay in taxes will speedily return to their own pockets, the task of convincing them should be rendered considerably less difficult.

Arrangements could be made whereby the labor for the ditching might be drawn from each district paying tax in numbers proportionate to the total tax collected from such district. This would bring back to any community practically all the money it had advanced as taxes. In fact, it might bring back more. The Shanghai Committee has some funds, which it can contribute toward the organization and survey expenses. These would be spent largely in the field. And if the locality took hold of the matter in good shape, it is quite within reason to expect that outside assistance would be found for carrying on the work bearing the bad years when local taxes would be impracticable. On the other



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hand, the Hwai river floods, as a good grafting proposition, have just about outlived their usefulness. The central government is no longer able to contribute, and the International Societies not only are getting low, but they can be influenced to prevent allocation to such a hopelessly recurring proposition as the Hwai river floods, if the officials show a disposition to obstruct preventive measures. This argument has had weight already in certain construction negotiations. This combination of arguments,—safety to person and property as a result of the work; an actual return of the funds advanced, if not more, as a result of the method followed; and a threat to prevent further allocation of relief funds—are more than likely to bring about successful negotiations with local officials and wealthy gentry.

When the general plan has been sufficiently placed before the people so that public support can be expected, a form of co-operation should be worked out between all of the agencies now interested in Hwai River conservancy. The administrative machinery of the provinces is an absolute necessity and so the provincial governments must be brought in. Chang Chien's organization has a great deal which it can contribute to the subject, and that worthy gentleman most certainly should not be given any cause to feel that his efforts have been unappreciated. Perhaps the national famine relief organizations should also be represented. The financial engineer should then be transferred to the employ of a Board of Directors appointed by the joint organization. A comptroller should also be appointed to take charge of the funds and keep accounts for the project. The provincial levies would be placed in his custody. In order to safeguard these funds absolutely, he should be put under bond for the customary proportion of the largest sum which he is expected to have in custody at any one time. Possibly the financial engineer should also be placed under similar bond. In order to make this bond readily enforceable, the appointees to these positions should be of nationalities which have well developed law concerning fiduciary relations.

The financial engineer's duties would then take him back into the territory involved, these to present locally and to follow up the definite plan which had been adopted, to learn of misunderstandings and make them clear, to meet misapprehensions and remove them, and to conduct a campaign of education to satisfy the taxpayers as to the purposes and safeguards of the plan.

With a year's receipt of taxes in hand, the work of the civil engineers could begin. With the collection of another year's taxes, certain of the cruder construction could be started. Thereafter, the payments for labor could be made fully equivalent of the tax levies in the affected districts. During the slack seasons of the year, large forces should be put to work. It would doubtless prove economical to watch this matter of seasons carefully. If construction engineers insist upon full forces the year around the standard of wages will be that of harvest time—more than double that during the other seasons of the year. If work is suited to the economic needs of the provinces only a reasonable wage need be offered at any time, and the forces will be allowed to dwindle during the busy planting and harvesting seasons on the farms. For reasons such as this and others which will occur to the reader, the financial engineer should be invested with a certain authority over the construction department.

The financial engineer will need to have such authority over the construction force that the promises which he has made concerning the hiring of labor, the quotas from the different districts, etc., can be fulfilled. In addition there are always small causes for friction arising between laborers and the supervising foremen or engineers. During the Red Cross operation these were kept at minimum by the frequent appearance of representatives of the director who were able to speak the native dialect, and thus were in a position to settle disputes and prevent a little trouble from growing into a big one. A well selected group of "trouble fixers" representing the financial engineer would help make possible the co-ordination of local labor working under engineers brought in from a distance.

The success of the plan, of course, depends very much upon the personality of the man selected as financial engineer. He must have faith in the possibilities of the scheme or he is doomed at the outset. His faith must be of the abiding kind or he will become disheartened before he has exhausted all the possibilities of success. He must have ability as a negotiator, be fertile in resource, know something of Chinese as well as of foreign psyhcology. He should have had business experience, the management of construction enterprises, if possible—for he will be matching wits with shrewd business men at every turn. But he should have been identified in an altruistic rather than an exploitive connection, or he will not command the confidence in his intentions, without which he will encounter a blank, smiling, impenetrable wall of native opposition. He should be free from all possible imputations of political leanings, and for this reason it is practically impossible to obtain a man of the necessary calibre without selecting a foreigner. He should have had sufficient experience with large scale organization so that he will be able to deal with the survey and construction departments without disadvantage. And the greater his reputation among both Chinese and foreigners resident in the country as whole, the more confidence will he command. These difficult specifications are not impossible. If called upon, I think I could name at least three such men without hesitation. They might not be available, but a job like this might well attract the best of talent.

January 25, 1923.

The Antiquity of Chinese Law

BY LEONARD S. HSU

THE legacy which the great Roman Empire left the World was her system of laws. Though there is much for which that ancient people was noted, still, as Gibbon wrote, "The laws of a nation form the most instructive portion of its history."

China was not only a contemporary power when Rome reached the zenith of her rise. She was a power even before Rome became a nation. The Roman Empire is no more, but China still exists. According to the author of "The History of the Decline and Fall of the Roman Empire," then, there must be an enthralling tale to be related about the laws which evolved in that great nation in Asia, a nation which existed before or was contemporary with those that throve on the lands bordering the Mediterranean, and one which still lives while the others have since vanished with the ages.

ANTIQUITY OF CHINESE LAW

But concerning the laws of China, their early form and development, the world knows very little. Yet, when the decemvirs of Rome were engaged in the framing of the twelve tables, China had already established codes, and the legal institutions of China were highly developed centuries before Theodosius II. and Justinian. The philosophy of law and theories of jurisprudence were subjects of commentaries by many Chinese jurists epochs before the jurisconsults of Rome, and thousands of years before Blackstone and Kent. Speculation into the spirit of laws was a sort of recreation or diversion to groups of people in China at least two thousand years before Montesquieu saw the light of day.

The body of Chinese books and treatises on law, as may be imagined, therefore, is enormous. We are not concerned, however, in the present brief article, with an exposition of Chinese law for the purpose of ascertaining its effect upon the character formation of the Chinese people. We purpose to confine ourself only to some of the theories which were advocated by early Chinese students of the law for the suggestion we may find in them as to the high state of civilization which China enjoyed when most of the World had not yet emerged from the chaotic stage of primitive barbarism.

EARLY LAW DEFINED

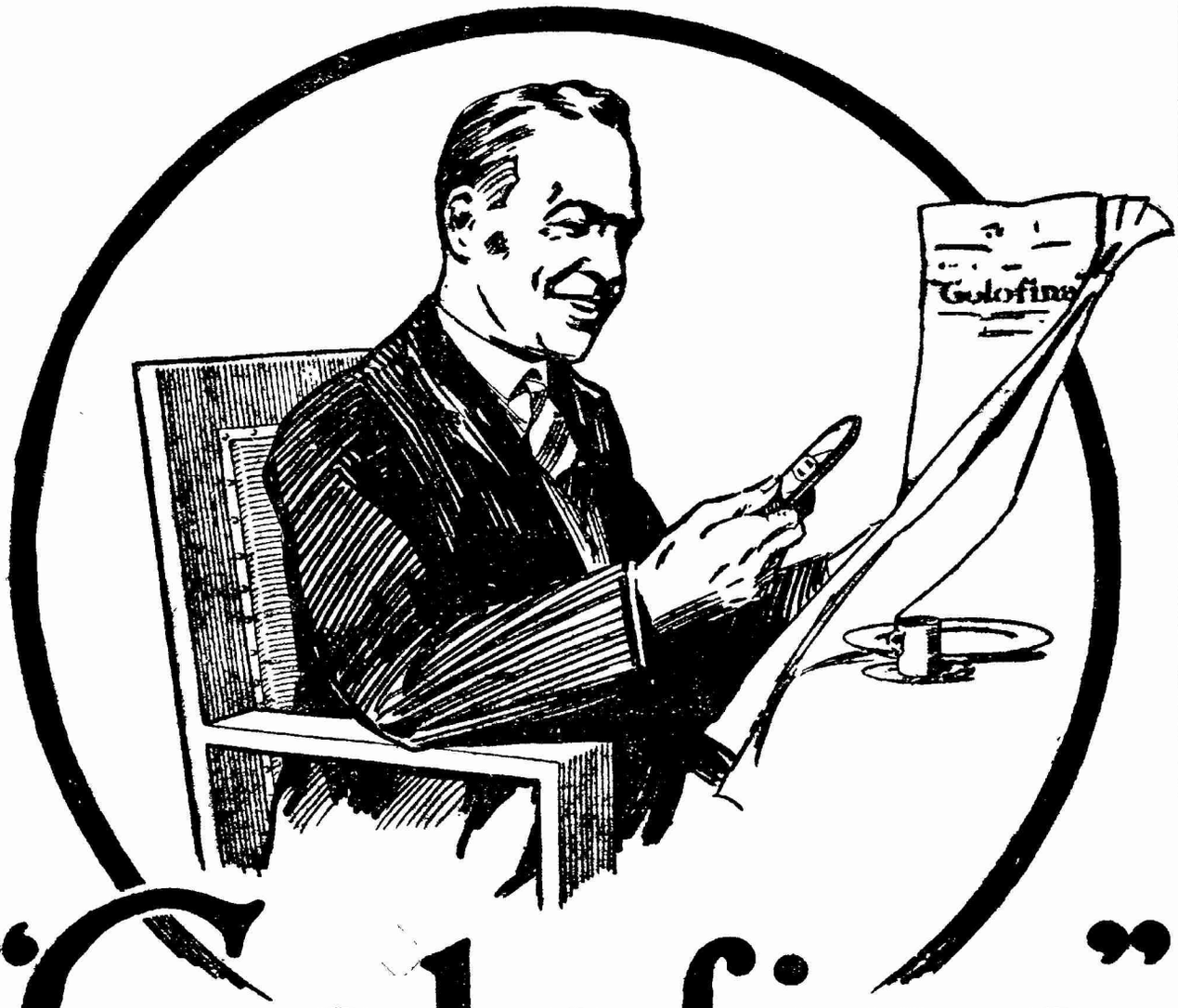
Han Fei Tzu, one of the great jurists in ancient China, defined law as "documents, letters, orders, and regulations kept by officials, and announced to the people, by means of which the people will know the limits of punishment, as one who observes the law faithfully will be rewarded, and one who violates it be punished." Hsin Tan, a jurist of the third century B. C. said that laws are "rules regulating actions of the people in the Empire, whose application is all inclusive and non-discriminatory." From these definitions, we get the concept held by the ancient Chinese jurists. According to them law has the following characteristics:

1. It is written.
2. Its text is kept by public officers.
3. It is of a regulatory nature.
4. Its application is inclusive and non-discriminatory.
5. It is enforceable and its violation is punishable.

These refer to statute law only, not to the so-called fundamental law or, more literally, constitutional rights which were developed largely by Confucian followers, rather than by early jurists.

APPLICATION OF IDEAS

We have heard much about Kwuan Chung, Hsun Pu Hei, and Hsong Yang in the development of the Chinese



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law. They were, however, not jurists themselves, but their forerunners. They were not philosophers, but practical statesmen and radical reformers.

Their policy was to enact strict laws and to enforce them strictly and efficiently. They imposed heavy punishments upon law-breakers. They believed that effective law, strictly enforced, was the best machinery for the attainment of an effective government. They believed that the efficiency of the government depended, not upon virtue and morality, but upon law and faith. Their work was very successful. Indeed, as a historian says, "by means of effective reforms in law and in punishment internally the country's industries and commerce were prosperous, and externally the nation's military power was far reaching."

There are many studies of the theory of law formulated by early Chinese scholars. Certain of them may be properly set forth in brief form here.

(*a*) *Theory of Non-Assertion*.—This theory is that when a country has perfect law and machinery to enforce the law, the result will be an all perfect and happy state, and consequently, the law and machinery for its enforcement will not be used. The influence of this theory is very extensive. Not only the followers of Lao Tzu, but also students of the Confucian school are ardent advocates.

(*b*) *The Logical Theory*.—According to the logical theory, there must be a distinction between right and wrong. The function of the law is to make this distinction clear, so that people by reason of the logic of the law, can determine their direction, and go to the "right." Confucius and Mencius were noted advocates of this theory.

(*c*) *The Equitable Theory*.—According to the equitable theory, the law must be applicable to everybody with equal force. There must be an equality before the law. This theory is attacked by the Confucian followers, who believed that law should take into consideration social classes and family relationships. The Confucian followers maintain that an officer should not impose punishment upon his father even though the latter has violated public law. Jurists say No! Law should be all-inclusive and non-discriminatory, Everybody, irrespective of his official rank, his social position or his blood relationship, must obey the law the same as all others. Han Fei and followers of Mu Ti were the advocates of this theory.

(*d*) *The Objective Theory*.—According to the objective theory, law is an objective standard, unselfish, non-discriminatory and unmistakable, by which rulers may govern the Empire. A ruler should govern the people according to law, not according to his subjective mind, because the law is the will of many, the standard followed by many. Since the mind is an individual will, no matter how wise and sage a ruler is, his mind cannot escape from arbitrary, discriminatory and personal judgments. In other words, the government must be of law, not of men. Hsun Tan and Han Fei were the representatives of this theory.

(*e*) *The Theory of Enforcement*.—According to the theory of enforcement, law being faithfully enforced is obeyed. When law is not faithfully enforced, it is not obeyed. Then the punishments must make it enforceable. When law is not enforceable it is not law. Thus law must be enforced and obeyed. Advocates of this theory attack the Confucian saying, "govern the people by virtue," because virtue is not enforceable; people must be governed only by law, although moral standards may constitute the background of the law, The unique value of law is that it is enforceable. Han Fei was the father of this theory.

(*f*) *The Evolutionary or Utilitarian Theory*.—According to this theory, law must be made according to the character of the time and the place. History itself changes; no law can be practical in all ages. People differ from one another; therefore, no law can be good for all peoples. Law must be practical and utilitarian. Law is not for one, but for the many. This theory directly attacks the Confucian doctrine of truth.

Here are merely a few of the outstanding theories of Chinese jurisprudence that have had great influence upon the development of the Chinese government, especially, that of her judicial institutions.

REALLY MODERN VIEWPOINT

An examination of these ancient theories reveals that they are, for the most part, quite modern. For the modern conception of law differs from the ancient Chinese conception only in that the former is but a composite of what constituted individual and different schools of thought on the subject in ancient China. Our present-day conception of law includes a judicial or legislative discrimination as between right and wrong; it incorporates the *equitable theory* since generally no one in the country is considered above the law and must therefore be amenable to it. The modern conception also includes the *objective theory* in that we consider government to be of law and not of men, and it is not

密勒氏評論報

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THE PRICE FOR WRITING THE TRUTH IN CANTON

MR. Hin Wong, correspondent for the *Review* in Canton has been arrested by the Yunnan-Kwangsi militarists now is control of that city presumably because of articles which he wrote for the *Review* and for the *Canton Times* of which he is editor. (An article elsewhere in this issue explains that Mr. Wong is now in no personal danger and there is hope for his early release.) Mr. Wong is one of the best known newspaper men in South China and at times has acted as correspondent for the *Associated Press* and *Reuters* and in addition has always been interested in educational and philanthropic work in Kwangtung province. He is a graduate of a well known American University and was a delegate last year to the World's Press Congress in Honolulu and served as a correspondent in Washington during the Conference on Limitation of Armament. The articles which Mr. Wong wrote for the *Review* regarding the Canton political situation appeared in these columns on January 20 and February 3 and in view of the interest which his arrest has aroused it may be of benefit to analyze briefly the Canton situation as covered in Mr. Wong's articles. In the first place, Mr. Wong expressed the general dismay which is prevalent among responsible Cantonese both individually and collectively at the activities of Dr. Sun Yat-sen and his followers in assisting through financial means and otherwise in the bringing back to Kwangtung Province, of the outside military forces from Yunnan and Kwangsi. Mr. Wong's articles constituted an appeal to the Cantonese to settle their own differences and warned against the dangers and confusion that were bound to result from bringing into Canton the military forces of neighboring provinces merely in order to settle a private quarrel existing between Dr. Sun and his former lieutenant, General Chen Chiung-ming.

DR. Sun Yat-sen and General Chen Chiung Ming are both patriotic Cantonese the former being a leader of the Kuomintang political party. This party gets its financial support largely from overseas Chinese merchants in America, the Philippine Islands, Dutch East Indies, Straits Settlements and elsewhere chiefly for the reason that most of these people are of Cantonese parentage and are loyal to their home district. For example it was reported last year that Dr. Sun Yat-sen in one campaign raised more than G. $40,000 among the Chinese merchants, farmers and laborers

residing in and around Vancouver, British Columbia, while at another time in 1921 Dr. Sun's lieutenants raised Pesos 85,000 in Chinese circles in the Shilippines for use in his northern expedition. Pimilar "drives" are constantly taking place among these Chinese communities abroad and the money raised is used in furthering political schemes in China. About six months ago Dr. Sun and General Chen had a difference of opinion regarding the northern expedition which Dr. Sun was conducting against Peking, Gen. Chen insisting that it was of no avail, that it was forcing Kwangtung province into bankruptcy, and was prolonging the disunion of China. This difference in viewpoint resulted in an open break and the defeat and elimination of Dr. Sun Yat-sen from Canton, the President of the Constitutional Government of China making his escape to Hongkong on a British gunboat. Since that time General Chen has controlled Canton and Dr. Sun has maintained his headquarters at No. 29 Rue Moliere, French Concession, Shanghai. Recently the Yunnan-Kwangsi military forces which had been driven out of Canton late in 1920 by Dr. Sun Yat-sen and General Chen Chiung-ming, (then working together) reorganized, according to common report, with money supplied by Dr. Sun Yat-sen from his headquarters in Shanghai. These outside forces defeated or bought off General Chen's troops and forced him to retire from the city of Canton. Dr. Sun Yat-sen then announced his intention of returning to Canton and was scheduled to sail from this city at 1:30 o'clock on Saturday, January 27. But he didn't sail owing to the receipt of a telegram two hours before sailing from Canton to the general effect that the Yunnan-Kwangsi forces after gaining control of the rich Canton district, didn't care any longer for Dr. Sun's support. To put it bluntly they used Dr. Sun's money and backing to recapture Canton and eliminate General Chen Chiung-ming, but after achieving their object they had no further use for the "liberator." So as a direct result of this quarrel between Sun and Chen, both are out and their province is controlled by outsiders to the general indignation and misery of the merchants, bankers and residents generally of Canton and Kwangtung Province. Briefly it is the innocent public which is paying the bill in Canton just as in other parts of China and the fact that they continue to stand for it and pay the bill for this mediaeval tribal warfare provides an interesting commentary upon the long standing patience of the Chinese people generally.

THIS practically completes the story of the Canton situation, at least as well as any foreigner can understand it. To go still further back it might be stated that the Yunnan-Kwangsi military forces were originally brought into Canton as part of Yuan Shi-kai's scheme for making himself emperor of China. Dr. Sun Yat-sen is highly regarded by well-wishers of China for his democratic principles and for his high ideals and his sincere patriotism for China. He has a great following among the younger generations who want to see China emerge from her present position of chaos and take her rightful place among the nations of the world. The return of Dr. Sun to Canton in 1920 and the re-inauguration of the Constitutionalist government with its capital there marked the beginning of an era in which Canton earned for itself a world-wide reputation for civic progress, commercial advancement, industrial reform and moral awakening. The Canton city wall came down with a rumble that was heard around the globe. One who attempted to congratulate the Cantonese upon their record accomplishments was informed that the program had just started and promises were made that Canton would cram into a period of a few years the progress that other cities have required centuries in making. This era of progress came when Dr. Sun was head of the Constitutionalist government, General Chen Chiung Ming, Governor of the province and Sun Fo, son of Dr. Sun, mayor of Canton. In the Cantonese camp harmony reigned and Canton hummed. Then came the break between Dr. Sun and General Chen, when General Chen refused to support Dr. Sun in his northern campaign. Among the well-wishers of China who have a high regard for Dr. Sun Yat-Sen are to be classed the Americans. Dr. Sun is one of the few Chinese leaders whose name is known in the United States. His interviews and manifestos are given liberal space in the American newspapers and receive favorable editorial comment. But his recent activities in prolonging the anarchy in South China by using means which are in direct opposition to his preachings which have won him his place in the hearts of his Ameican friends, tends to shake the faith of his friends in his sincerity. In other words at the very time when Dr. Sun was issuing his recent manifesto on the subject of disarmament, he and his followers were supplying funds and moral support for an example of the worst and most mediaeval type of tribal warfare with which China has been cursed in recent years.

EDUCATION AT THE POINT OF THE BAYONET

MUCH has been written regarding the present difficulties of education in China from the standpoint of the Chinese Government and Provincial schools, but we know of no description more interesting or significant than the following account of the situation in Szechuan which appeared in the *North China Daily News* for February 2, from that paper's Chengtu correspondent:

A case in point was the big row in the First Provincial Middle School. This school is subsidized by the government. It was decided to change principals, in the interest of the school, and a young and well known educator, Nian Kong-yuin, was appointed to the position. For some unaccountable reason, the students objected and organized a strike—in fact, a lock-out—and prevented the new principal taking office. They placarded the school with large posters, calling upon the students to unite and beat the principal if he should dare appear. They printed circulars and tried to make out a case that this teacher was unfit to lead them.

The Governor sent over several of his advisers to treat with the students quietly and informed them that the man was trained in an American University (Purdue) and was perfectly competent to occupy the position, that he was appointed in a regular way and that he must take up his duties according to the Governor's order. The students became rougher than ever, and tried to make the issue a political one, by stating that their old principal was an appointe of Hsiong Keh-wu (Former Governor) and that Hsiong was their friend and they would not dishonor Hsiong by receiving this new principal.

Civil Governor Liu I-chiu then showed his mettle. He sent over a regiment of soldiers under one of his trusted Brigadiers, and made a military demonstration. The Brigadier read the Riot Act, then ordered "fix bayonets." Still the students did not think the soldiers would do anything, but at the "charge" the soldiers enjoyed the sport and the rout was complete. The soldiers were careful not to severely injure any one, but five students had to be carried to the hospital, and the others were all expelled. The school was cleaned out and new students were enrolled. Nian Kong-yuin was installed as principal, and now a detachment of soldiers stand on guard all the time to prevent intimidation of new students.

FAILURE OF THE CHINESE PARLIAMENT

THE *Peking Leader*, a Chinese owned newspaper printed in the English language in the Capital, published the following editorial on the failure of the Parliament in its issue of February 1:

Since Parliament was re-convened last August, the members have been very busy. Among other things, they have accomplished the following—which are mentioned more or less in what is apparently the order of their importance to the M. P.'s:

They have succeeded in getting their salaries paid up to the end of December.

Many have accumulated quite substantial sums from various other sources. (In one case, at least, one of the Senators spoke with pride of how he had been unable to make up his mind which way to vote for Speaker of the Senate—and had leaned first to one side and then the other until, by forcing each side to "boost the ante" several times, he had secured over $20,000—and the election has not yet been held!)

They have brought about by entirely irregular means the arrest of one of the few honest and capable officials of the government and, indirectly, the re-arrest of the same man by still more injustifiable means after he had been duly cleared by regular legal procedure of the charges against him.

They succeeded in wrecking the Wang Chung-hui Cabinet—one of the best the Chinese Republic has had—and for over a month preventing the formation of any other Cabinet with even the semblance of stability.

After a new Premier had finally been found by the President, they spent a couple of weeks arguing among themselves before they finally made up their minds to vote on the nomination.

After a new Cabinet slate had been made up, they spent another long interval in utterly useless talk—and then (both House and Senate) approved a man for one of the posts who, though in no sense a judicial official, had been the leader in urging the executive department of the government to indulge in a gross violation of the independence of the judiciary. And the Senators failed to approve and consequently caused the resignation from the temporary Cabinet of a man who really had some qualifications for the important Foreign Office post—and consequently, too, created such a situation that it will be extremely difficult to find any man to take this position.

They have adopted resolutions denouncing the Twenty-One Demands and calling on the government to take steps to bring about the immediate withdrawal of Japan from the Kwantung leased territories, while at the same time they have done nothing except create difficulties in the way of establishing an efficient Chinese administration of the Shantung properties which have just been returned to China.

Several of them have issued lengthy statements advising the people of China to get rid of the militarists, and at the same time the great majority have themselves been absolutely subservient to the wishes of a distinctly undesirable military clique and have not hesitated to fall in with the plans to make one of the most undesirable militarists in the country President of the Republic.

They have on many occasions indulged in such heated language and such violence that their regular meetings—and the furniture—have been broken up with the result that they have not been able to go on with even that small amount of the nation's business which they think worthy of consideration.

They have been so interested in what they could make out of it all that they have not yet succeeded in getting a Speaker elected in the Senate, though it is now six full months since they first met.

They have prepared a rough draft of one section of the new Constitution—a draft which shows a great lack of understanding of either the principles of political science or the specific needs of the country.

Truly, this is a notable record. These men were called together last August chiefly for one specific purpose; to finish the drafting of a permanent constitution. And that is the one thing which they have not done.

Having done just about all the damage they can for the present, and having finally agreed on a Cabinet, it is to be hoped, however, that the members of Parliament will at least begin to consider their main job. Not that much is to be expected from them in the way of a satisfactory basic law for the country. But even an attempt at drafting a constitution seems to be beyond them—for since the Cabinet was confirmed and since they got their last installment of pay the members of Parliament have completely lost interest in the nation's business, to judge from the fact that either meetings of the two Houses have not been called or there has not been a quorum in attendance.

Altogether, it would appear that the Parliament has most decidedly outlived its usefulness—if it ever had any. The one possible justification for its continuance in existence for a short time longer would be for the members to buckle down to some hard and honest work on the drafting of the permanent Constitution. If they fail to do this, particularly since the terms of practically all of the members legally expired long ago, there will be ample justification for a popular campaign for the dissolution of the present Parliament and the election of a new body.

A NEW ENGLISH-CHINESE DICTIONARY

SELDOM does the *Review* give editorial space to comment upon a book before its publication, but this we feel is due in the case of the early publication of a really monumental piece of scholarly work which is now under preparation, at the Commercial Press in this city. Webster's Collegiate Dictionary brought down to date has been translated by a group of well-known Anglo-Chinese scholars including Doctors P. W. Kuo, Mon-lin Chiang, and Fong F. Sec. These gentlemen and some thirty-five or more colleagues have been engaged in this work for more than three years.

The English speaking world as well as the Chinese are under debt to these workers and to the Commercial Press for preparing as valuable a reference work as this is bound to be. At first sight one is liable to dismiss such a work with the thought that it is merely a business venture. The scientific and political as well as the commercial relations between China and the English speaking peoples are, however, directly affected by the language tools which are at hand for the use of the peoples of these lands. It is of course trite to remark that language is the means by which communications between advanced peoples is carried on, nevertheless we tend to pass over too thoughtlessly the means by which relations between peoples of various nations may be made smooth and peaceful. To the mission schools in China belongs the credit for the now widespread knowledge of English throughout the country, and to the instructors in these schools is credit largely due for the preparation for scholarly work of such men as those named above. They are carrying on the torch of Western learning handed to them by their foreign instructors and preparing the means by which China and the English speaking peoples are to come into yet more close and harmonious relations than in the past.

One of the problems which has taken long to solve is the translation into the Chinese language of scientific, religious, commercial, governmental English terms. In a sense they have been in a state of flux—identical terms were given varying translations by different writers at one time and another. Precision of expression must accompany accuracy of thought before scientific truth along any line may be attained. But authority must be agreed upon and followed to attain successful results in any line of development. With the publication of a standard dictionary of the type of Webster's Collegiate translated by men competent for the work a definitive authority will have been attained and a long stride taken in advance toward closer collaboration between China and the West in the pursuit of eternal truth.

THE TEST FOR SUCCESS OR FAILURE

ONE of the American banks in Shanghai issued a circular a few days ago dealing with the subject of saving money and in this connection quoted a statement by James J. Hill, the great American railroad builder, "If you want to know whether you are destined to be a success or failure in life, you can easily find out. The test is simple and it is infallible. Are you able to save money? If not, drop out. You will lose. You may think not, but you will lose as sure as you live. The seed of success is not in you."

We reprint this because of its bearing on the case of an acquaintance of ours, an American young man who came out to China about three years ago with excellent prospects, but who was sent home a short time ago in destitute circumstances, the money for his steamship passage being supplied by the American Relief Association. This young man received a salary while in China of well above $700 a month with liberal expense allowance when traveling. He attempted the impossible task of trying to consume all of the beverages dispensed in the clubs and foreign bars of the China coast and was generally known as a "good fellow." Finally he got into financial difficulties with his firm and the end of the story was failure and a free trip home on a cargo boat. A failure such as this is unfortunate from two standpoints: First from the stand-point of the young man himself and his family at home and second from the general standpoint of the American personnel and interests in China. The most important element of the American commercial enterprise in the Far East is the American individual himself. America is a great and wealthy country and is beginning to expand its commercial interests overseas. The whole structure falls to the ground unless there are sufficient American young men of character to operate the companies, steamship lines, banks, and other factors that go to make up foreign commerce. The manager of a large American company doing business in the Philippines once said that not more than fifteen percent of its employes that it brought out from home "made good." An American banker and the manager of a large American shipping company in China recently stated that their chief difficulty was in obtaining suitable men for responsible positions. There is no question but that the opportunities exist out here for spectacular success for those who will keep the main idea in mind. The trouble is that too many overlook the advice of Mr. Hill quoted at the beginning of this paragraph and instead follow the lead of the young man who was sent home at the expense of the community.

The Chinese Constitution from the American View Point

BY PAUL S. REINSCH

This article, one of the last Dr. Reinsch wrote before his death, appeared in the November 25 issue of Eastern Miscellany, published by the Commercial Press.

THE written Constitution of the United States has been the most distinguishing feature of the American political system. In the absence of monarchical power and an aristocratic social organization, the Constitution has been considered the chief stabilizing factor in American history. To the American mind the Constitution is not a political platform, but the fundamental law upon which all the people of the state are in substance agreed.

The Constitution ought to be a very simple document, laying down only the most fundamental principles of government and of public action.

The American Constitution has been called rigid, as distinguished from the British, which is flexible. These terms are not accurate, but only descriptive in a general way. The true distinction lies in the fact that to change the American Constitution, a special procedure is necessary, involving the participation of various public bodies; whereas, the British Constitution may be changed by the simple action of Parliament.

It is due to the political experience of the British nation, and also, in no small degree, to the conservative qualities of English character, that British political life has been so continuous. Though Parliament has the legal right to change the Constitution, it is in fact exceedingly slow to modify in any way the traditional practices.

On the other hand American Constitutional Law has not remained within the strict literal language of the Constitution. American Constitutional practice, as in England, has grown through action, from precedent, and unlike the British Constitution, it has been augmented by the interpretation of the courts.

This power of the courts to interpret the Constitution, to the extent even of declaring a law of Congress unconstitutional, is the most distinctive feature of the American system.

It is interesting to inquire how far this method of developing the Constitution by court action would be applicable to other countries. In America itself there has been of late some opposition to this great power of the courts, which seems to set it almost above the Legislature, although in theory it would not be so considered. However, there does seem to be a great deal of wisdom in distinguishing between the fundamental law of the Constitution and ordinary law. In any country which lacks the political traditions and the century-long political experience of England, it would be easy for the action of successive legislatures to change the law so frequently and radically, in accordance with demands of party politics, that the sense of security and stability would be endangered. It is not necessary that the final interpretation of the Constitution should be made by a court but if that power is intrusted to some other body or bodies, it should be to the same authority that may amend the Constitution. If, for instance, the Constitution may be amended by a two-thirds vote of the members of both Houses of Parliament, then an arrangement by which a question of interpretation can be submitted to this same authority, would be logical and practical.

Simplicity of the fundamental law is quite compatible with the establishment of a strong government. In fact the strength of a government is not determined by the number of its powers but by its ability to exercise those which it has. A Constitution which would give to the central government control over foreign relations, the railway and telegraph system, currency, the national army, and certain definite revenues, would be sufficient to constitute a strong government. It would be more correct to say that it would give the opportunity for the creation of a strong government. As a matter of fact, the Constitution can only afford the framework within which statesmen dealing with practical problems work out the methods of action which the life of the state requires. If any member of the American Constitutional Convention of 1787 had advocated the granting of the powers which the American government now actually exercises, he would have found no support. But out of the simple and fundamental powers which the people at the time were willing to grant, there developed through the action of several generations of statesmen the powerful and efficient government which now exists.

I believe that this point should be particularly remembered in China at the present time. If we should attempt to work out a Constitution which settles every detail satisfactorily, we should never finish the task. The few fundamental things which any government would have to start ought to be capable of the consent of the great majority of leaders. We cannot anticipate the future by foreseeing every possible contingency. Future needs will be worked out by the action of statesmen and Parliament in modifying constitutional law and practice.

When we speak of the necessary simplicity of the Constitution, we refer also particularly to the desirability of not interfering with the normal life of local communities. It was wise for the central government to repose all responsibility for local affairs on the provinces, districts, and local communities. The greatest political treasure of China is the capacity of the people in their own neighborhood to manage their own affairs. When the people realize that the central government seeks no power to meddle with them or obstruct them, but that its great and necessary powers will be exercised solely for their protection and for favoring, not retarding, their own business activities, they will be willing to support the government. The political consciousness of the local units should be developed by making them realize their responsibility for what their own representatives in the higher units of government may do.

In constitution-making an appreciation of the fundamental needs and possibilities of the citizens and a thorough knowledge of existing political institutions and practices in the country are the first requisites. Unless the Constitution is built of these materials it will be only a dead form. The knowledge of foreign experience is useful only in the second order. However, it does help us to understand our own situation better, by comparison with others. It teaches us to avoid certain mistakes, and it shows us certain desirable modes of action which may not be so far removed from our own, but that we may imitate them. But a more general imitation of the Constitution is purely academic and unpractical.

The idea of constitutional law, that is, of an abstract definite fundamental rule to which all political action must conform, is not foreign to Chinese philosophy. But the fundamental principle which the great teachers emphasize is *Li*, the right or equitable way, rather than a fixed body of written rules of law. When these ideas were formed in China the country was living under a monarchical and patriarchal system. All ideas of what is lawful and right were in a sense personified and attached to definite social relations, particularly five classic relations of Confucius. Thus, personal loyalty grew, while the loyalty to abstraction, such as the idea of legality, public sovereignty or patriotism, did not develop in the same sense as in the West, that is, abstractly and attached to institutions rather than to persons.

The introduction of the idea of the sovereignty of law in China would, therefore, serve to introduce an element which, might take the place of the old personal loyalties, as far as government is concerned. In matters of social life, however, the old loyalties are very essential, and it is to be hoped that no modern political arrangement may disturb them.

The value of the Constitution to China at the present time would be two-fold. It would afford something definite about which the loyalty of the nation to its country and government could gather. It would be a rallying point. It would be an earnest of the unity of China, in the eyes of the world. So the friends of China hope that this work may soon be completed. For though no such political arrangement can be perfect in all its parts, it is the necessary starting point from which the future action of the powers of government may develop.

Garland Steamship Company an American Concern

The Garland Steamship Corporation is an American company and as such is entitled to engage in the U. S. coastwise trade, according to a statement of D. B. Carson of the Bureau of Navigation of Washington, D. C., made on December 29 and printed in the *New York Journal of Commerce*, the following day. The company announced that it intended to engage in the U. S. coastwise trade in January, but charges were made by competitors that the company was British owned, since it had previously been a subsidiary of the British-American Tobacco Company. According to Mr. Carson's statement the stock of the company is owned by American citizens in sufficient quantities to enable the company to engage in the U. S. coastwise trade. The capital of the company is G. $3,243 000 and the present fleet numbers eight ships aggregating 74,000 tons most of which were purchased at the U.S. Shipping Board's cash price of G. $30 a ton.

Manchuria As Japan's "Big Buffer"

BY JOHN A. COOK

Japan's artificial pressure upon Manchuria can always be gauged by that well-known weather beaten barometer—the Chinese officials and the press in Manchuria. In addition, the pulse of official Peking's political trend, as it is being directed there at present by certain representatives of European Powers, with respect to Russia, can likewise be detected and felt through the medium of these very channels, which are thoroughly incapable of resisting pecuniary overtures, more especially as China to-day is so very poor. This self-same *modus operandi* was permitted to have all the horse play it could possibly muster among the Russian reactionaries in Siberia prior to and during the whole term of Japan's military activities in that country* and it is solely due to the fact that the population of Siberia is not Asiatic that saved that country. In other words, the patriotic unsophisticated Slav could not be bought over for "thirty pieces of silver," but preferred to take the gun in hand and defend what his forefathers had bequeathed him as a birthright, namely-Siberia. The psychology of the Chinese is sadly lacking in this sense of realizing what actually belongs to him and constitutes his birthright and this alone is the root-evil of the whole question affecting China, for it creates that pernicious and illegimate position which resembles the fable of the monkey and the two cats with the piece of cheese. China and its population can well be compared to a pack of cards that are shuffled every time a new political game has to be played.

Prior to the appearance of the Near Eastern controversy on the horizon of Europe's political complications, the Manchurian press and officials did not display such a hostile attitude toward Russia in connection with the Manchurian issue as they do at the present moment, for at that time, Japan more or less stood quite alone and Chang-Tso-lin had not quite recovered from his defeat, but now it is clear that Japan is again playing her old role of the "honest broker" with respect to her former European allies, whose hopes in that modern political Ulysses-Lloyd George—to be able to whistle the European victory safely out of the danger of the Muscovite clutch, completely disappeared on the Russo-Turkish-Dardanelle issue rising in all its fullest strength. History repeats itself and the old days of 1853 have reappeared. Peking's orientation can be correctly said to have commenced from the time of internal disruption in China which took place in the Spring of last year, when Wu-Pei-Fu and Chang-Tso-lin disclosed the real depth of China's political cleavage. The subsequent train of political events in Europe that followed that occurrence produced a political metamorphosis somewhat suddenly culminating into the creation of a new Chinese combination with the unexpected fusion of Marshal Tsao-Kun—chief of the Chihli Party—with his enemy of yesterday, Marshal Chang-Tso-lin and also with the Anfuists, which latter were enemies of both the former, so that under the guise of "saving Manchuria" Chang-Tso-lin, who was but recently branded a traitor by the Chinese population, is now being openly proclaimed in the "Manchurian press" as the future saviour of Manchuria, which policy for purely diplomatic reasons is receiving all the "push" it possibly can.

At first sight, the general impression of this new combination appears to indicate "unification" of the Chinese against one who was regarded but yesterday as the Saviour of China's republic and the hope of the nation both by the foreigners and the Chinese population, i. e. Wu-Pei-Fu, however, even a republic can be viewed as a danger, especially when its military leader is suspected of entertaining sympathetic leanings for Russia to the extent of supposedly receiving moral support from that country and of attempting to convert China into a second Turkey, so that with the Near Eastern turmoil threatening the European Powers, it now appears to be more expedient on the part of these powers not to openly support and encourage Wu-Pei-Fu to that degree that could render his military strength a danger to their immediate interests and whose duty will undoubtedly be that of opposing Russia tooth and nail by squeezing her in the Far East should the development of the Lausanne negotiations ultimately draw them into open hostilities against Turkey.

And so the "Big Buffer" is being assiduously wedged in between Russia's sledge hammer and the anvil of entire China and, in order to impart it with all the political complexion of spontaneous unification, former Manchurian rivals are now being cajoled into "friendship" and the Manchurian press is belching forth all manner of accusations and imputations accusing Wu-Pei-fu of abetting Russia's ambitions on Manchuria and Mongolia. Simultaneously, Chang-Tso-lin is being furnished with arms and money ostensibly for the purpose of combatting Wu Pei Fu but, in reality the move is directly aimed against Russia.

Superficially, the fighting material composing the "Big Buffer" is most diverse. Eager to have an opportunity to revenge themselves for having been driven out of their own country by their own people and thrown into the embrace of first Japan and now China, but chiefly as a means of livelihood, the Russian element, consisting of military reactionaries, who for the past five years have only known defeat, eagerly joined the scheme by throwing their lot in with the recently defeated Chihli army and undoubtedly forms the real decoy for the Red army, whereas the actual effective fighting machine, at present in the back- ground, is the Japanese Imperial Army.

The most natural question arises therefore, i. e. what are the underlying objects of the attempt on the part of Japan to incorporate this incoherent and incongruous mass of military failures into a composite body to serve the purpose of bolstering the "Big Buffer"? What constitutes the ultimate objects of such strategy and what are the big stakes? Well, when one approaches the Manchurian question, one involuntary recognizes it as a three cornered one with two continental and one sea powers forming the triangle. Two of these powers possess no fleet while the third is "admitted" to be a naval power of the first magnitude. Strategetically, the two continental powers possess unlimited territory forming their natural salvation, while the third power, with its foot on the continent, is holding same for deliberate purposes of an offensive against the remaining two, individually or collectively as the case may be, for it possesses no rear. This is the exact position of affairs in a nutshell and the recent naval and military manoeuvres of Japan, held in the early part of November of last year, confirms it. The general inference to be derived from these manoeuvres, in which the four army divisions, special troops of the Japanese Imperial Army and part of the Japanese submarine fleet took part, reveals the fears and possibilities of an attack from her western neighbours and has served as a preliminary test of the defensive strength of the nation resulting in the adoption of a scheme for increased naval defense of the country by scrapping certain now obsolete fortresses and erecting new fortifications on the shores of the straits of Langeruz, Usim and Simonosek, the constructions of which latter is scheduled to be completed by the year 1935.

As is always the case in similar triangular political combinations, each of the contending parties endeavors to reach an agreement with the weakest member of the group, which, in the present case, as had always been in the past, not only on the matter of the Manchurian problem, but also on all others affecting the territory of the Far East, is that much talked of and more written about "poor China."

England, in the early days of her history, resorted to the same practice, for the Norman Conquest and each similar shock received by her, taught her that national defense is a matter of national existance and her position then with respect to her continental enemies was analogous to that of Japan's at the present moment* and although she also had

* In the fourteenth century, when the Middle Ages flourished, England reached a Treaty of defense with Belgium, including Flanders and Burgundy against Spain and France through the marriage of King Edward III to Philippa of Hainault, and English currency—"the rose-noble" —was in circulation in Belgium and the continent of Europe then just the same as Japan's Bank of Chosen Yen currency is legal tender in Manchuria and the continent of China to-day. The underlying aims of both countries were identical, namely commercial ascendancy as a means of national defense.

* Ensign Jevchenko, (formerly of the 19th. Siberian Rifle Regiment of the Royal Russian Heir Apparent-Alexsei Nikolaevitch) who alone was instrumental in creating the former Russian reactionary, Second Captain, afterwards called ATAMAN Semionov, in his declaration made by him to Lieutenant Colonel Girilovitch, Investigation Officer of the Russian Military Control Department of the Fortress of Vladivostock on the 23rd. of May 1919, declared that Colonel Araki of the Japanese Imperial Army dispatched a whole consignment of arms including machine guns and stores from Port Arthur to Siberia addressed to Semionov in the first months of 1918. Ensign Jevchenko was ultimately murdered by Semionov. Officially, Allied Intervention in Siberia did not commence until the summer of 1918.

her treaties with one and all of her continental neighbors, all of whom she fought in turn with the assistance of her Allies, who were no others than her former rivals, still she was forced to abandon her territorial expansion in Europe and relinquish her grip over Bretagne in France and rely upon the sea as her national protection from an invasion.

Herein evidently lies the key note to Japan a new scheme for the erection of new fortifications on the shores of the above mentioned straits and also for the creation of the "Big Buffer." The Great War, however, revealed to England and the world that the policy of relying on the sea as a natural protection and invulnerable stronghold against her continental enemies no longer can be considered as absolutely reliable. Furthermore, it also disclosed that channels such as the English channel and the Sea of Japan in the future can never represent that degree of national defense to these two insular countries—England and Japan. The "Big Buffer," therefore has to be maintained, cost what may, and, under the plea of such imbecile communications, hatched for the Manchurian press, as:-"the strong threat of Bolshevism is believed to be spreading within the borders of Manchuria. Bolshevik troops have been seen" *in plain clothes* penetrating the Chinese Eastern Railroad Zone and are secretly supplied with arms. Word is received that Marshal Chang-Tso-lin is concentrating his (?) troops to meet the Red Menace, etc." the gullibility of "poor China" is being pandered to and exploited while the respectable occupation of being a Manchurian editor to say nothing of the even more honorable occupation of Marshal of Manchuria, or "foreign military advisor" have become more lucrative than that of our modern oil magnates, relatively. The Red Menace has long served as the "Fiery Cross" for those countries whose only object is to squat down on some other country's territory, particularly Russia's and all such propaganda as that which is being abetted by Russia's enemies in China has for its direct object the scaring of the Chinese and the preparation of the way for the "big stakes" to be played at the Russo-Chinese Conference, where all the European and Asiatic diplomacy will be pitted up against Russia.

However, should the results of this Russo-Chinese Conference fail to harmonise in with Russia's natural and just demands on affairs affecting her position in the Far East, then it can be safely augered that while it may take diplomacy many a long year to unravel their own knot, still, in the long run, Russia will gain her own and the sooner Japan realizes the fact that, in her "Big Buffer," she is only hatching a young cuckoo the better it will be for her and those abetting her in this enterprise and, at the same time, China ought to understand the political proverb:-"a bird on the continent is worth two on the sea" and act accordingly.

Chita, Siberia, January 10, 1923.

American Economic Isolation Unthinkable

Alvin W. Krech, president of the Equitable Trust Company of New York, reviewing business conditions at the end of 1922, writes as follows regarding the need of American business to be more than an on-looker in European economic matters:

"The whole of Europe is on short rations, a good half in contact with the wolf of starvation. Despite this fact our end-of-the-year record shows our economic health unimpaired by unfavorable symptoms. What labor difficulties we have experienced do not seem to have slowed up business, and the end of the year shows a continued gain in industrial output and a remarkable appreciation in the total evaluation of agricultural products. The volume of trade has increased and wages and prices advanced. On the other hand, retailers seem to be carrying rather small amounts of stock on hand; manufacturers are less sanguine in their predictions regarding future consumption—indications that we are learning one great lesson, namely, that business does not shape events, but that events shape business.

"That European affairs must sooner or later have a bearing upon our economic situation is a truism that cannot be escaped, and I trust that we shall be more than interested onlookers in 1923, and that our advice and our support will strengthen the elements of moderation and sanity whose efforts make themselves daily more felt in Europe.

"Isolation is possible in so far that a nation refuses to put its signature upon a treaty, but economic isolation, the shutting off from the very life of the world is unthinkable. The nation has given unmistakable signs of an evergrowing feeling that America cannot forever sit in the distinguished guests' gallery while Europe wastes in debate and strife her waning strength. We must dare to look the European situation squarely in the face."

Should American Extraterritorial Rights in China Be Abolished?

BY ROBERT T. BRYAN, JR.

III

CHINESE Argument for Abolishment of Extraterritoriality: The query presented by the title of this article, although trite, as the subject of extraterritoriality is not difficult to answer. The principal arguments presented by China are: (1) That Chinese law, criminal, civil and remedial is as beneficent as that of any civilized nation; and (2) That China has established competent Courts, presided over by learned and honest Judges, who administer the law correctly and impartially. An examination of the salient facts upon which these arguments are based will prove their fallacy.

Chinese Criminal Law: The harshness of Chinese criminal jurisprudence and particularly that of homicide was one of the leading factors which caused foreign governments to coerce China into signing treaties which granted to foreign nationals exemption from Chinese law. The old Chinese law of homicide has been briefly stated as follows:

> "(1) Wilful and premeditated murder was punishable by beheading; (2) For killing during an affray without malice, express or implied, the penalty was strangulation; (3) Killing or wounding another by accident punished by a fine amounting to Tls.12.42; (4) Killing in lawful self defense was justifiable, and not punishable." [1]

The present Chinese law of homicide is even more harsh than that above stated and may be briefly epitomized as follows: (1) Anyone who commits the offense of homicide shall be punished with death or imprisonment for life or for a period in the first degree (not less than ten nor more than fifteen years); [2] and (2) Anyone who causes death to a third person through negligence shall be fined $500.00. [3]

Homicide committed in defense of one's person or property, or of another's person or property which is in imminent danger of unlawful attack is not punishable, provided that excessive force is not used. [4]

Under the laws of the United States the law of homicide may be thus briefly summarized: (1) Murder is the unlawful killing of a human being with malice aforethought [5] and is punishable by death; [6] (2) Murder in the second degree is the killing of a human being with malice, but without premeditation, [7] and is punishable by life or not less than ten years imprisonment; [8] (3) Voluntary manslaughter is the killing of a human being without malice upon a sudden quarrel or in the heat of passion, [9] and is punishable by imprisonment for not more than ten years; [10] (4) Involuntary manslaughter is the unlawful killing of a human being without malice in the commission of an unlawful act not amounting to felony or in the commission of a lawful act which might produce

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1. "The Theory, History and Origin of American Extraterritorial Rights in China," by R. T. Bryan, Jr. The Weekly Review January 21, 1923.
2. The Provisional Criminal Code of Republic of China, translated by The Law Codification Commission, published by The Ministry of Justice, Peking, 1919, Articles 311 and 37.
3. The Provisional Criminal Code of the Republic of China, translated by The Law Codification Commission, published by the Ministry of Justice, Peking, 1919, Article 324.
4. Legal Principles Extracted From Decisions and Explanations of Ta Li Yuan Criminal Law, Vol. II, chapter 26, page 346. "No lawful act committed in self defense constitutes a criminal offense according to the provisions of Article 15 of the Provisional Criminal Code."
5. Federal Annotated Statutes, Vol. VII page 905.
6. Federal Annotated Statutes, Vol. VII page 917.
7. Federal Annotated Statutes, Vol. VII page 905.
8. Federal Annotated Statutes, Vol. VII page 917.
9. Federal Annotated Statutes, Vol. VII page 916.
10. Federal Annotated Statutes, Vol. VII page 917.

death in an unlawful manner or without due caution and circumspection [11] and is punishable by imprisonment for not more than three years or a fine not exceeding $1,000.00 or both; (5) Justifiable, homicide, which is where (a) it was the legal [12] duty of the slayer to kill, and (b) the slayer is without fault and had a legal right to kill. This kind of homicide is not punishable; [13] and (6) Excusable homicide is where (a) the slayer, although himself at fault, had a legal right to kill, and (b) the killing was the accidental result of a lawful act done in a lawful manner. This kind of homicide is not punishable. [14]

The Chinese law creates the novel crime of homicide. Homicide under the Common Law is the killing of a human being by a human being, [15] and is not necessarily punishable. Under Chinese law anyone who commits homicide, regardless of whether it is murder, manslaughter, justifiable or excusable homicide, is subject to being punished with death, life imprisonment or for a term of not less than ten nor more than fifteen years. The amount of the penalty is subject to the discretion of the Judge who tries the case. To this there are only two exceptions, which are (1) killing through negligence, and (2) killing in lawful self defense. Under the old Chinese law killing by accident was punished by a fine of Tls. 12.42. Under the present law, killing by accident or mistake, unless it is through negligence, is subject to the penalty of death or imprisonment for life or for a term of not less than ten nor more than fifteen years, at the discretion of the Judge who tries the case. [16] Under American law the presiding Judge has no discretion as to the punishment, but must inflict that punishment which is prescribed for the specific degree of homicide provided in the Statutes and of which the defendant is convicted. The present Chinese homicide law is not only more severe than the old Chinese law, which was one of the leading factors in causing foreign governments to claim extraterritoriality for their nationals, but is perhaps harsher than that in force in any civilized country.

Another crime provided for by the present Chinese Criminal Law, which is worthy of mention, is that of criminal misappropriation. Under this law anyone who appropriates to his own use any property which comes into his possession by virtue of (1) Joint ownership; (2) Being subject to a right of ownership or pledge residing in another person in accordance with law or under contract; (3) Management of another's affairs; (4) Official occupation; and (5) Private occupation; is subject to imprisonment for not less than two months nor more than five years. [17] There is no such crime as this under American or English law. The crime most similar to it under the common law is that of embezzlement. Embezzlement is the fraudulent appropriation of another's property by a person to whom it has been entrusted or into whose hands it has lawfully come, [18] In the crime of embezzlement proof of fraudulent intent is necessary. Under the Chinese Statute mere proof that one has appropriated property to his own use is sufficient. One cannot embezzle money or other property in which he has a joint interest. [19] Under Chinese law one may criminally misappropriate property of which he is joint owner together with the prosecuter. It is a valid defense to a prosecution for embezzlement that the property was appropriated openly and under a claim of right preferred in good faith, even though such claim is untenable. [20]. Under the Chinese law no such defense is open to the defendant.

This Chinese Statute means that one partner may criminally prosecute another for failure to hand over the proceeds of the firm's business to which he is entitled; that a creditor may institute criminal proceedings against a debtor who offsets the creditor's claim out of funds belonging to the creditor and in his possession; and that an Attorney-at-Law who deducts his fees from moneys collected by him on behalf of his client is guilty of criminal misconduct. No more searching and drastic crime has ever been inculcated into any Penal Code.

Chinese Civil Law: Chinese Civil Law is as yet a chaotic and undeveloped field bristling with embryonic principles. The Republic of China, although it has been in existence since 1911, has not promulgated a Civil Code. The President has in certain cases by mandate declared certain laws to be in force provisionally unless repudiated by parliament. Some Chinese Jurists hold that laws promulgated in this manner are valid. [21] According to the provisional constitution of China the right to enact laws is vested solely in the National Council. [22] If such laws are valid then the constitution cannot be considered as being in force.

The Supreme Court at Peking has held that civil cases are decided according to express provisions of law; in the absence of express provisions then according to customs, and in the absence of customs then according to legal principles; [23] that if a party alleges certain customs and the Court finds that they exist and are valid according to law they must be applied to the exclusion of ordinary principles; [24] that until the Civil Code is promulgated the Provisions relating to Civil and Commercial matters as contained in the Ta Tsing Leu Lee [25] and which are not repugnent to the existing form of Government are still in force. [26] The Chinese Civil Law then is, (1) Custom, local and general; (2) The provisions of the Ta Tsing Leu Lee which relate to commercial matters. The Supreme Court of China, although it was in existence some time prior to the establishment of the Republic, has decided very few cases, for it has only published one report of cases relating to Civil matters. It is thus seen that it is very doubtful whether China has any Civil law at all other than customs. The few Civil provisions that are alleged to be law consist of statutes promulgated by the President or the Department of Justice, the legal validity of which is extremely doubtful. The customs of China are peculiar, vacillating and numerous, many of which are confined to particular localities. What might be the custom or law in one portion of China might not be in another, and vice versa.

Editor's Note: This is the third article of a series on the subject of Extraterritoriality by Robert T. Bryan, Jr., an American attorney of Shanghai. The fourth article will appear in an early issue of the Review.

11. Federal Annotated Statutes, Vol. VII page 916.
12. Federal Annotated Statutes, Vol. VII page 918.
13. 21 Cyc. page 661, Homicide.
14. 21 Cyc. page 661, Homicide.
15. 21 Cyc. page 661, Homicide.
16. Legal Principles Extracted From Decisions and Explanations of Ta Li Yuan Criminal Law. Vol. II, chapter 26 page 346. "There should be no distinction in the punishment for killing by mistake and for killing without mistake."
17. Articles 391 and 392. The Provisional Criminal Code of the Republic of China, translated by The Law of Codification Commission, published by the Ministry of Justice.
18. Embezzlement, 15 Cyc. page 488.
19. Embezzlement, 15 Cyc. page 492.
20. Embezzlement, 15 Cyc. page 508.

A New Place to Register American Ships

An article published in the *New York Journal of Commerce* for December 15 states that recently several American ships have been registered under the shipping laws of the Republic of Panama, the advantage being that the operators of the ships enjoy the protection of the American flag while escaping the burdensome restrictions of the U. S. navigation laws. According to the article, "Up to a month or so ago Panama had no merchant marine, only perhaps a half dozen little sailing vessels. Indeed, the tonnage tax Panama ships paid in the United States in 1921 was $17.38 for two entries, showing two vessels of about 450 net tons each. The United States Commissioner of Navigation in this October monthly report records only one ship of over 100 tons which had Panama register at that date. This was an oil burner of 1,141 tons.

The sudden interest in this flag on the part of steamship owners is believed to be due to the fact that the owners are desirous of maintaining American protectorate for their ships, while at the same time enjoying freedom from burdensome navigation restrictions. Panama inherited the old navigation laws of the Republic of Colombia, but Colombia was not a maritime nation and is reported to have had no important maritime code."

21. The Chinese Legal System by Leonard S. Hsu, American Bar Association Journal, December 1922, page 766.
22. Chapter 3, The Provisional Constitution of the Republic of China, passed at Nanking in January 1912.
23. 2nd year A. C. 64, The Chinese Supreme Court Decisions, translated by F. T. Chen, published by the Supreme Court, Peking, 1920, Civil Law, part 1 page 1.
24. 4th year A. C. 2354, The Chinese Supreme Court Decisions, translated by F. T. Chen, published by the Supreme Court, Peking, 1920, Civil Law, part 1 page 1.
25. This Code is a codification of some of the Chinese customs and most of the ancient Chinese Criminal and Civil Law. The majority of its provisions relate to criminal matters. A splendid translation of this Code was made by Sir George Thomas Stanton in 1810.
26. 2nd year A. D. 304, The Chinese Supreme Court Decisions, translated by F. T. Chen, published by the Supreme Court, Peking, 1920, Civil Law, part 1 page 1.

Is China Lost in a Blind Alley?

BY S. T. CICERO HWANG

IN the last decade China has undergone a rapid and sweeping change in national spirit. With the revolution and downfall of the old monarchy in 1911 began the age of transition; conditions have been disturbed more than ever—and this disturbance is still going on. The new Republic which has inherited all the spiritual decay of the former dynasty seems to have laid its foundation on quicksand which is never secure.

The China of to-day is indeed in a period of great uncertainty, in which men have lost all their earlier ideals and gained no new ones. And we are, like Matthew Arnold,

"Wandering between two worlds, one dead,

The other powerless to be born."

With no spiritual leader one can not help feeling restless, excited, and tormented As we look back now over those ten years, or a little more, the prevailing note throughout the period is not difficult to discern. In politics, the Revolutions, the nation-wide movement against Japanese aggression, the rise and fall of some militarists were the signs of its forward march. In science, the introduction of Western material luxuries was its conspicuous characteristic. In religion and philosophy, Pragmatism, the idea of progress, and the anti-religion enthusiasm were various manifestations of the same spirit. In literature, the displacement of the traditional classical by the popular spoken language attested the common desire "to represent the life and needs of the people." In education, the student movements, temporarily checked and thwarted, but steadily undermining the position held by tradition, burst forth once and again under trifling pretexts. The prevailing note, then, is stormy, materialistic, democratic, realistic, impulsive—directed, in short, toward the extension of the sway of individualism over all things.

It is the growth of democracy with the desire of progress that has at last brought about an extensive movement to break away from the past. Provoked by the maladministration of the then government, the students at Peking immediately followed and supported by other students throughout the length and breadth of this country, started on May 4, 1919, a movement of the political, social, as well as intellectual nature, which has heretofore been called the New Culture Movement. Owing to its resemblance in some respects to the Renaissance in European history, it is not frequently called the Renaissance Movement.

True, it gives an individual an opportunity for free thinking, as its main effort is directly against the rigid institutions of the old China. So far as its merit goes, it helps men to escape from the rut of pseudo-classic formalism which was both shackles and fetters of the intellect in former days, and makes them think, feel, and look upon life and the outer world as modern men. But in its end, it merely adds more confusion to such an age as the present; for the Renaissance itself is transitional, and nevertheless its ramifications and permutations, some of which are baneful rather than helpful, are endless. The radicals, for example, are now trying their hands in utterly subverting all the traditions, and building on their ruins the so-called new civilization, new literature, and everything new to meet the new social life; while the genuine civilization, the winnowed wisdom of many an age is in danger of being crushed down, and literature in danger of being vulgarized, and commercialized.

Taking up the movement itself, I am far from saying that this Renaissance of China does and can vie with that of Europe. Nay, between them there is an important difference: in the European Renaissance period, the men of the new learning exemplified in memorable fashion the hopefulness and idealism that attended its early progress; but in the so-called Chinese Renaissance, the men, especially the younger generation, are merely motes in an eddy of dust. As a matter of fact, this movement, and the revolution of course, did much destructive work, particularly on the foundation of the past; but did not at the same time strive to construct: each being a fact beyond controversial denial.

An analytical survey will help us to know that the present-age having broken with the past, is lost astray in a blind alley. The younger generation lose no time in discarding their forefathers' civilization and calling the classics of their sages as the dying literature that represents a dying tradition. Evidently the idea of progress has encouraged them to be skeptical towards everything traditional. They hesitate to accept anything without question. At this point I can not but admire their scruple toward the past which is not proven; for indeed "there is not a creed which is not shaken, not an accredited dogma which is not shown to be questionable, not a received tradition which does not threaten to dissolve." Honest doubt and an inquiring spirit, of course, are signs of mental independence which, in turn, has made truth approachable everywhere.

Meanwhile they fantastically introduce everything modern, and become self-important. Seeing the glory of the Western material development they come to believe and accept the Western civilization devoutly and blindly. Alas! they are mistaken; and here comes the danger. "There is no doubt," says Mr. Ajax of Bertrand Russells' recent work "The Problem of China" in the *North China Daily News* (November 28, 1922), "much in Western civilization which is unsuitable to the Chinese. Western civilization produces strife and warfare. It is based on a capitalist system which 'makes each man's individual interest opposed in some fatal point to the interest of the whole. The recent war indicates that Western civilization is run on lines that must ultimately lead to disaster." Should China follow the failure of Western civilization by erecting capitalism and militarism in the modern style with its inevitable unrest and social disorder and thus be called "civilized"? Any one with a practical sense will say not.

Furthermore, in the present China, the excessive liberty of the Renaissance breeds chaos. The extremists think themselves the Brutuses and Cassiuses of literary freedom. Under pretext of making education more democratic and practical, they press the literary and humanistic studies in to the background. Aiming at their great achievments in the new literature they advertise and make great noise for the unew", the word itself being a sign of goodness to them.

Let us quote as a warning Professor Stuart P. Sherman, the well-known contemporary American critic: "The great and ever-present danger of a democratic society lies in its tendency to destroy high standards of excellence and to accept the average man as a satifactory measure of allthings." The present condition in China falls in with it; her literary revolutionists and new educationalists are making her more and more democratic, "to reform the society of China," as they say. Their process is first to have a "people's literature" written in spoken language, as opposed to the traditional literature, and then to free from imitation which is servility to ancient writers, they would have every individual indulge in his caprice and freely express his whims. Thus the traditional literary standard and authority are pulled down. It is a return to a form of the pre-Socratic doctrine of Protagoras that "Man is the measure of all things"—that every man's opinion is just as good as another's.

In connection with this forward push of individualism the Chinese morality—the proper social dealing between man and man—reaches its lowest ebb. A bold and violent attack was first made by a literary revolutionist, the chief editor of the journal *La Jeunnesse*, upon filial piety, the central doctrine of Confucianism. Henceforth the Chinese characteristics, the so-called four national fibres, decency, righteousness, honesty, and modesty have been disintegrating from bad to worse and now they are entirely broken. It is no wonder that men in the streets,

"Bluster or cringe, and make life

Hideous and arid and vile."

This boisterous, transitional age is driving us mad.

And, "We are here as on a darkling plain

Swept with confused alarms of struggle and flight,

Where ignorant armies clash by night."

Occasionally a small voice rises in the air advocating the preservation of the Chinese characteristics and civilization, but soon it sinks into the noisy sea of the crowd. In a recent article commenting upon the present social condition, Mr. Ku Hung-ming, who by his nature still clings to the old Chinese tradition, declares his loyalty for the "religion of China, which is the religion of the Law of the Gentlemen, and the Grand Code of which is the grand code of Honor and Duty, the religion of loyalty"; and urges us to remember the words of a French author who said: "The ultimate ground on which repose all civilization and all possibilities of government is the sense of honor of the masses and the right practices in public affairs." Again, Mr. Ku laments: "In China, Democray, the new Saviour, has destroyed the gentlemen, and that is why we have no government."

Now turn to the political field. At the center is the government at Peking with its provincial government around it in mere name—the latter being under the control

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of a few Tuchuns and super-Tuchuns. Ever since the overthrow of the Manchu dynasty, the destruction of the last remnants of central authority at Peking: China has become a happy hunting ground of political adventurers. Nowadays politics and militarism are so mingled that there is hardly any remarkable line between the two. The politicians support the militarists and the militarists feed the politicians. As long as there are self-interest and powers to be held enemies are friends, but friends become enemies when their selfish interests conflict with each other. There is, indeed, no right and wrong in the Chinese political life.

The unleavened masses, on the other hand, easily get excited and easily cool down. Having tumbled over many stones, they seem to have learned no lesson from their past blunders. Movement after movement have they started, demanding one thing after another, but because of repeated failures they have quieted down. In the first period, a general psychology of the masses demanded a democratic government, and they got it in name; in the second period, it thirsted for a rapid and wide diffusion of the material instruments of civilized life, and they think they are going to get them. Yet never, with the progress of time, have the people found that idealism which should be had in their prospect.

Not at all have they any historical insight. One recent illustration will suffice to clarify my statement. Before the establishment of the Republic, the then young generation thought that by overthrowing the Monarchy everything either at once or in due course of time would be right, and a real millennium would come. Their panacea was ever ready. "Set up a Parliament," the vigorous voice was heard in one; "Let us have suffrage, universal suffrage; let us promote education, universal education." Then all rushed to shout in a true revolutionary spirit of "liberty, equality, and fraternity." Accordingly the Revolution broke out in the autumn of 1911. With little blood shed, the Republic was established. Then Young China fancied that its decrees would suffice to sweep old systems away. It fancied that it had recognized and proclaimed the truth on which new systems could be based.

Such was their way of construing the matter. But, alas, it was only a sweet dream, too soon to vanish with the dawn of day. The farther one looks into the matter, the more hopeless, ruinous, and dismal does it appear. At first ruling power fell into the crafty hands of Yuan Shih-kai who gradually turned China into a country of militarism to subserve his own interests. After his death China has changed several rulers, most of whom had been the military officers under Yuan. Now China is wholly a prey of militarism. We may depend upon it, every step taken in this direction will be a step from improvement, not toward it.

The result of this political, social, and intellectual change, thus you see, has thrown China into a pitfall of confusion. The chief trouble, as stated above, still lies in the masses of the people. There is a lack of aim, of object, of ideal. The remedy is, in short, first to emerge out of this age of blind and ignorant transition, to shorten this period by making an earlier adjustment, and then to effect a regeneration and reintegration of the national will by leading the whole body of the people gradually to the region of idealism. These could only be achieved through a constant criticism of life exerted by a few sober men with unshakable standards of judgment, such as Matthew Arnold in England in the nineteenth century; but it is to be sincerely regretted that we have not such men in present day China.

National Teacher's College,
Nanking, February 2, 1923.

Chinese Engineer Operated American Cotton Mill

Yolay Young, a graduate of the New Bedford Textile School at New Bedford, Mass., has the honor of being the only citizen of the Chinese Republic who ever occupied the position of superintendent in an American cotton mill. Mr. Young completed his work at the New Bedford school in 1921 and after working in different textile machine shops and in textile mills for a year and a half, joined the staff of the Munford Cotton Mills at Munford, Ala., as superintendent. He held the position for three months, but was forced to return to China because of the death of his father. He is now connected with Andersen, Meyer and Company of Shanghai but soon expects to accept a position with a cotton mill at Ningpo.

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Encouraging Signs in China's Silk Industry

BY R. E. BUCHANAN

REMARKABLE progress has been made in a number of industries in China in recent years among which the silk industry has not lagged behind. This development, while there remains a great deal to be desired, nevertheless shows encouraging signs for the future; first, because the Chinese are taking an interest in its advancement and second, because of the impetus given the industry by the ever increasing markets abroad and especially in America for the marketing of raw silks. Under the handicraft system, the masses of uneducated were engaged in producing but as education and social, economic opinion has advanced, many have learned to be very progressive and have adjusted themselves to modern conditions. Many Chinese returned students from America have entered the industrial field with great success and there have been instances in the silk industry of even Chinese of the old order going to America to investigate the needs of the consumers. Just recently nine Chinese delegates sailed from Shanghai to represent the Chinese silk industry at the Second International Silk Exposition in New York to learn something at first hand of the needs of the American consumer. This is distinctly a hopeful sign in China and speaks well for the future of her silk industry. China is preminently the "Mother of Silk" and the Chinese are beginning to realize that now is the time for her to recover her place as an important silk producing country of the world.

The American consumers of raw silk have not been loath to take advantage of this new awakening in China and have found it expedient at this time to cooperate with the Chinese in establishing the Shanghai International Testing House, the existence of which is having its part in this new industrial development in China. The Shanghai International Testing House is making possible the introduction of modern ideas to the Chinese through its facilities for testing and research in raw silk as well as serving as an "Interpreter or Advisor" to the Chinese producers for the members of the Silk Association of America. It is very gratifying that the Chinese silk men are taking the Shanghai International Testing House seriously. I make this statement as a result of personal interviews with nearly fifty filature operators in this field. While the Testing House has been in operation less than a year, still there have been instances of intelligent cooperation and evidence of a desire to be properly informed of American needs so as to serve the American consumer more intelligently. The writer recalls instances during the past year of direct selling by the Chinese raw silk producer to the American consumer because the Chinese filature men through the facilities of the Shanghai International Testing House were able to adequately guarantee their product as to quality and quantity to the American consumer on this market. The beginning of transactions in raw silk between producer and consumer, I believe, signifies a new phase in the Chinese silk industry. If China will work intelligently to meet the needs of America, she will profit thereby, just as Japan has done. Probably today, one of the most practical channels of opportunity open to the Chinese is to begin to sell raw silk on "specification." The schedule of the Raw Silk Classification Committee of the Silk Association of America has been translated into Chinese and it is safe to say, that the Shanghai market is going to use this tentative classification if the observations and testing of the Shanghai International Testing House during the past ten months is any criterion. The Japanese, it may be said, are preparing themselves for the day when raw silk will be sold on "specification." Consumers in America must cooperate extensively in informing the producers of their requirements and it would be wise to see that the proper channel of approach to the filature men is used, otherwise their appeals will fall upon deaf ears. China is supplying the American market with about one fifth of its consumption of raw silk and if she will strive to sell five times that much and let us hope it is not too much to predict "on specification," it will be to her advantage. China has an abundance of territory and all conditions are favorable for producing more silk at a low cost. My opinion is the Chinese will produce more and better silk but we can't criticize them too severely because up to this time their efforts to some extent have been retarded by an unprogressive spirit working in China.

Secretary-Treasurer of the Shanghai International Testing House.

Shanghai, February 3, 1923.

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Gains in U. S. Exportation of Cotton Goods

The cotton goods manufacturers of the United States are showing a marked success in their fight to retain the hold upon world markets which they gained during the war period. Of the dozen great manufacturing industries which are seeking world markets, that appertaining to cotton goods shows a larger percentage of gain in the exports of 1922 than any other. The total value of cotton manufactures exported in the 10 months ending with October, 1922, is $115,600,000 against $98,300,000 in the same months of last year, while most of the other manufacturing industries show declines in the value of 1922 exports as compared with those of 1921. Iron and steel manufactures, exclusive of machinery, show a total in the 10 months of 1922 of only $158,000,000 against $295,000,000 in the same months of last year; machinery and vehicles $297,000,000 against $481,000,000; refined mineral oils $264,000,000 against $310,000,000; electrical machinery $43,000,000 against $80,000,000; chemicals $43,000,000 against $45,000,000; and wool manufactures 5½ million dollars against $9,000,000. In a limited number of manufactures including india rubber products, lumber and other manufactures of wood, and automobiles, there is a slight increase but the percentage of gain is in most cases below that of cotton goods which seem likely to show a grand total of approximately $150,000,000 in the calendar year 1922 compared with $117,000,000 in 1921 and only $56,000,000 in 1913.

This increase in the cotton goods exports occurs in nearly all of the important classes. Cotton cloths alone amount to $71,000,000 in value for the 10 months of 1922 compared with $60,000,000 in the like period of last year, and the number of yards exported is 500,464,000 against 458,261,000 in the 10 months period of 1921. Cotton wearing apparel shows a total of approximately $20,000,000 against 16½ millions in the same months of last year; hosiery 7½ million dollars against 5½ millions.

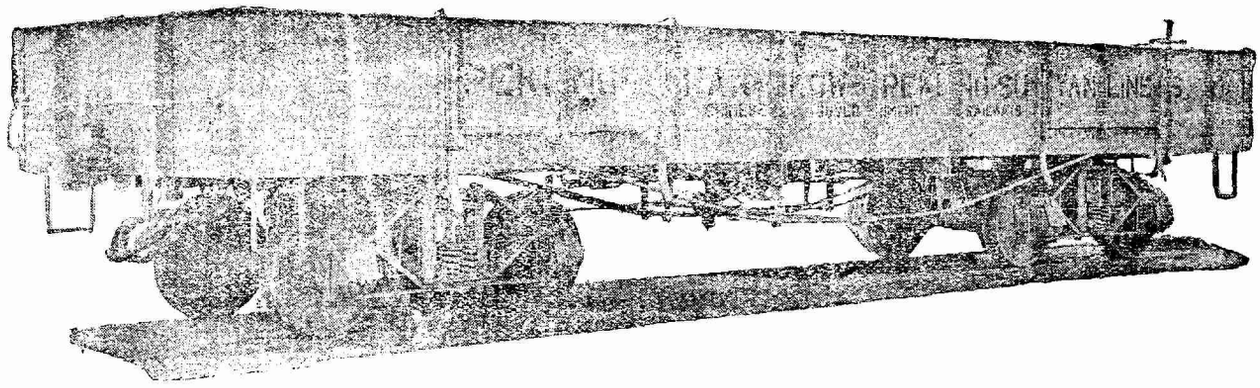
The increase in cotton cloths exported occurs especially in the higher grades, bleached cottons $12,000,000 against 9½ millions; printed goods 12½ million dollars against 8½ millions; piece dyed goods $15,000,000 against 13¼ millions; and yarn or stock dyed $12,000,000 against 8½ millions, though it is proper to add that the unbleached cottons exported show a slight decline in value. The increases in the higher grades of cotton cloths occur in quantities as well as manufactures, the bleached cottons showing a total of 86,000,000 yards against 68,000,000; printed 96,000,000 yards against 71,000,000, and other grades corresponding advances in quantity as well as value.

Our cotton goods are going to all sections of the world except Europe, our chief rival in the cotton manufacturing industry. The quantity of unbleached cottons going to South America in the 10 months ending with October is 43,000,000 yards against 27,000,000 in the same months of last year; bleached cottons to South America 7,000,000 yards against 6,000,000 in the same period last year; printed goods 21,000,000 yards against 8,000,000, while the other grades to South America also show increases. The Philippine Islands took in the 10 months of 1922, 9,000,000 yards of unbleached cottons against 3,000,000 in the same months of last year; 33,000,000 yards of bleached cottons against 12,000,000; 20,000,000 yards of printed goods against 13,000,000, and in the other groups corresponding increases. To British territory the exports show increases despite the activities of cotton manufacturers of the mother country; the quantity of unbleached cottons to Canada in the 10 months of the current year is nearly 7,000,000 yards against 4,000,000 one year earlier; to Australia 2½ million yards against one-half million; to Egypt nearly 4,000,000 yards against less than 2,000,000 a year ago, and of the finer grades Canada took 8½ million yards of bleached cottons against less than 5,000,000 a year earlier, and British South Africa over 3 million yards against less than one million in 1921.—*From the Trade Record of the National City Bank of New York.*

Radio Rapidly Becoming Competitor of Cable Companies

General Harboard, president of the Radio Corporation of America, in an address before the members of India House in New York on December 28, stated an All-American radio service is now handling 28 percent of the message traffic between the United States and Europe and 50 percent of the message traffic between the United States and the Far East. Within two years, predicted the General, direct wireless service between the United States will be established with Sweden, Poland, Italy, Holland, Argentine, Brazil and China. The competition will also tend to improve cable service, he stated, for the reason that the radio is to the cable a competitor and not a supplanter. The Radio Corporation of America is affiliated with the Federal Radio Corporation which has a concession to construct several wireless stations in China, the largest to be located in Shanghai.

All the world over



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Wong Soong-dong Oldest Consular Officer in U. S. Service

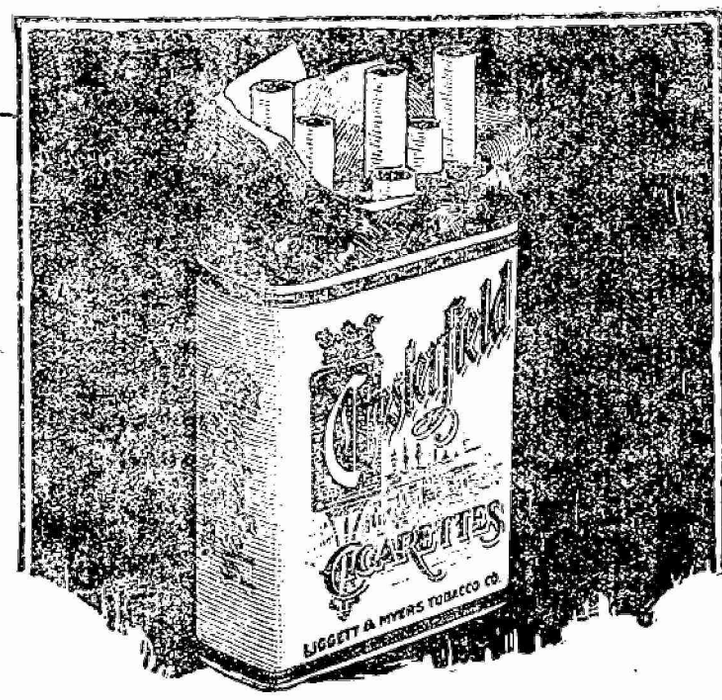
Wong Soong-dong, will celebrate on Monday, March 5, his fifty-second anniversary as compradore for the United States Consulate at Shanghai, and has the record of being the oldest and only Chinese consular officer in the U. S. service in China. Mr. Wong is a native of Ningpo, is seventy years old and came to Shanghai at an early age. He received his education in the schools of Shanghai. At the age of nineteen years in the year 1871 he joined the staff at the consulate as shroff and has served as compradore in the disbursing office under sixteen Consuls-General.

Mr. Wong has seen many changes in Shanghai and in the U. S. consular work since the time he joined the staff. At that time there were few foreign houses and the U. S. Consulate was located in the old Japanese Consular buildings, now a godown, at 36 Whangpoo Road. Later the consulate removed to Kiukiang Road and then to its present location at 12 Whangpoo Road. Mr. Wong said there have been great changes from the time when they rented their buildings, which were only valued at Tls. 3,000 and now when the land is worth Tls. 60,000 and the buildings are government owned.

Mr. Wong is the father of six sons, has eight grandsons, and two great-grandsons. He now resides with Mrs. Wong at 14 Morrison Road. One of Mr. Wong's sons, Homer Wong, who received his education at St. John's University, is Deputy Director General of Posts at Peking and another Yates Wong, former interpreter at the U. S. Consulate-General, is now with the Canton-Hankow Railway.

It was during the year of 1879 when General Grant was on a tour of the world that Mr. Wong met General Grant in Shanghai and acted as his escort to the various nearby Chinese towns. When General Grant departed from Shanghai he gave to the young Chinese gentleman, who had escorted him a solid gold American eagle emblem, which Mr. Wong has worn as a watch charm these many years. Mr. Wong is also the recipient of an engraved silver cup which was donated by the consular authorities to him for his remarkable record of fifty years of service for the government of the United States. The cup was presented by M. F. Perkins, acting Consul-General in 1921.

Since the time of Mr. Wong's connection with the U. S. Consulate the following Consuls-General have served at the Shanghai Post; G. F. Seward, 1871-1876; W. Willis, 1876-1877; L. H. Bailey, 1877-1880; T. Mylers, 1880-1883; J. Stohel; 1883-1886; J. D. Kennedy, 1886-1889; J. A. Leonard, 1889-1893; O. N. Denning, 1893-1898; W. Smithers, 1895-1897; T. R. Jernigan, 1896-1899; J. Goodnow, 1899-1904; C. Denby, 1904-1906; J. L. Rodgers, 1906-1909; A. P. Wilder, 1909-1914; T. Sammons, 1914-1919; and E. S. Cunningham 1919-to the present.



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Views In Review

British arguments on debt payments have much wait.

A public servant in China is a servant living on the public.

The French extend the Germans a welcome in a striking way.

We recently read some Dyer reports on conditions in China.

Some think the financial situation in Germany is remarkable.

How can any government stand straight while supporting itself on its arms?

The reason Europe looks so sick is because she has to cough up so much.

Some wonder what China will come to, but we wonder if she will ever come to.

The Chinese government wants to create a sinking fund to keep the ship of state afloat.

Sun Yat-sen wants the Chinese soldiers to give up their arms and work with their hands.

A government report from the insular prison in the Philippines says it made money last year. It should; look at the bankers it has!

"Enlarged illustrations of copper coins not accepted on the Cars" reads the Ad on our tramlines. Has any one tried the Conductor with a *small* illustration of a copper coin? It *might* work!"

R. C. B.

Men and Events

O. G. Steen of the Robert Dollar Company, departed this week on a short business trip to Tientsin and Peking.

Pedro Leong Hingkee, a Chinese member of the municipal council of Macao, the Portuguese colony in South China, was in Shanghai this week on business.

Iting T. Wang, graduate of Nanking University, Nanking. was in Shanghai this week enroute to Ningpo, where he will teach history in the Ningpo Academy, at Ningpo.

A meeting of the Parent Teacher's Association of the Shanghai American School was held on Thursday, February 7, in the library of the National Y. M. C. A. building, 20 Museum Road, when Dr. W. McConnell gave an address on education.

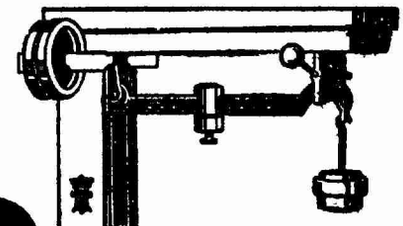
Chow Tsu-chi, former Minister of Finance and acting Premier of China, who has been in Shanghai several days following a trip to Great Britain and America, departed for Peking on Monday evening, January 5. He expects to return to Shanghai sometime next month.

Sir J. W. Ronald Macleay, c.m.g., former Envoy to the Argentine Republic who succeeds Sir Beilby Alston, as British Minister to China, arrived in Shanghai last week enroute to his new post at Peking. Sir Ronald was accompanied by Lady Macleay and E. C. C. Wilton, associate chief Inspector of the Salt Gabelle.

L. C. Dyer, Congressman from Missouri, who has been traveling in the Far East in interest of the China Trade Act, departed on Tuesday, February 6, on the *s. s. President McKinley* for America. Mrs. Dyer, accompanied Mr. Dyer on this trip, and while in Shanghai they were the guests of Consul-General and Mrs. E. S. Cunningham.

The following cablegram regarding business conditions in the United States was received today from the Bureau of Foreign and Domestic Commerce, Washington:—"General business expands; production high; prices steel, textiles, cotton, advancing; financial situation good; employment excellent; wages increasing and outlook hopeful."

The Lindeman-Beckman Engineering Company of San Francisco has signed a contract with the China and Harbin



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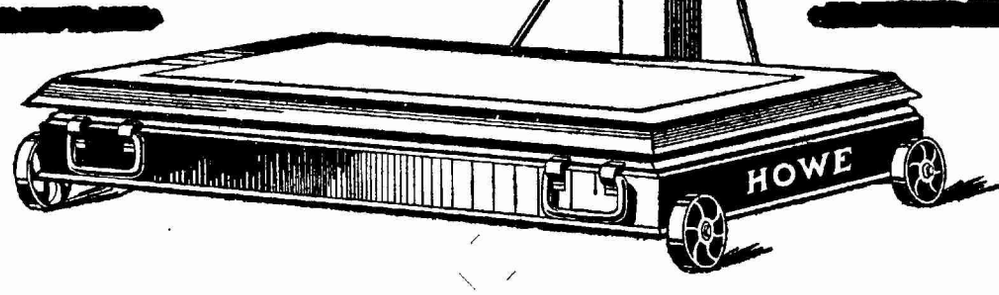

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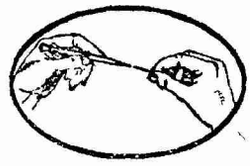

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Electric and Joint Stock Company to build a tramway system and waterworks in Harbin at the cost of $6,000,000, according to information received in Shanghai last week. The construction is to begin immediately and is to be completed within two years.

Drew E. Courtney, representative of Newson and company, publishers in New York, arrived in Shanghai this week on the *Empress of Australia*. He will spend a few days in Shanghai and Peking prior to sailing for Manila, where he goes in connection with text book contracts. He formerly was in educational and school athletic work in the Philippines and also served as sporting editor of the *Manila Daily Bulletin* for some time.

Two prominent Chinese banks in New York City, the Bank of Canton Lt'd., of Hongkong, and the Chinese Merchants Bank Lt'd of Hongkong, advertise liberally in the New York City daily newspapers. Both banks, New York agencies, have been established over a year and are said to transact a considerable volume of business. The advertising of these banks is handled by the World Wide Advertising Corporation of New York.

The American Chamber of Commerce at Harbin which has been in existence for several months has recently become affiliated with the Associated American Chambers of Commerce of China. The Associated American Chambers now include American commercial organizations at Shanghai Hankow, Tientsin, Peking and Harbin. It is reported that chambers are in process of organization at Canton, Tsingtao Ichang, Tsinanfu and other places.

Under the auspices of the Young Women's Christian Associations of China, club rooms for the foreign business women of Shanghai will be opened February 24 at 19 Yuen Ming Yuen Road. In connection with these club rooms there will be employment and registry service rooms which we hope will be helpful in solving some of the problems along these lines for both the employer and the young business women. Miss Fanny Pomeroy Brown, will be the secretary in charge of this service.

The Critical Review, a literary magazine of high standing in China, published monthly at Nanking, has recently issued its annual statement. The magazine is two years old and it is available for exchange with periodicals of similar interest. According to the statement the magazine has two distinct purposes: "It aims to study and systematize the Chinese learning with critical method and scholarly equipment, and to introduce and assimilate what is best and most important in the literature, philosophy, art, etc. of the West, presenting Western civilization in its entirety.

A world conference on education is to be held in San Francisco and Oakland, from July 6, 1923, according to an announcement received from the Pan-Pacific Union. The educational conference will be held under the auspices of the National Educational Association of the United States. It is hoped that out of this world conference an international educational association will grow, as a permanent organization which shall convene at such intervals and at such places as may be deemed expedient. The purpose of such an organization should be a world touch and sympathy with the foremost educational movements and ideals.

The Tsingtao American College Club was recently organized in Tsingtao, with more than fifty college and university men as members. The membership includes Chinese, Americans and Japanese college men. The promoters of the organization were C. D. Giauque, formerly of Shanghai, and now principal of the American Academy at Tsingtao, Y. C. Chien, material department of the K. T. Railway, and D. Y. Lin of the Forestry Bureau. The officers elected to serve for the coming year include: T. C. Chu, president; W. A. Adams, first vice-president; J. O. Kinoshita, second vice-president; C. D. Giauque, secretary and Y. C. Chien, treasurer.

The Council of People's Commissars of the Union of Socialist Soviet Republics has recently sanctioned three important contracts, according to a notice from Moscow. One is with the American Sinclair Company, which has received a concession for exploiting oil, natural gas and mineral pitch on Saghalien Island for thirty-six years. The concession includes a territory of 1,000 square miles. The second contract is with the American Commune of California, which receives an agricultural concession in the Don Province for a period of twenty-four years. The third is with the Jewish Echo Colonization Society, which undertakes to restore the labor communes of the Jewish population, to open several technical and agricultural colonies with the necessary materials and machines.

It is with pleasure the *Review* received some calendars sent by the British American Tobacco Company, Shanghai, which are most unique in their design and coloring. The calendars show the leading brands of cigarettes manufactured by the British American Tobacco

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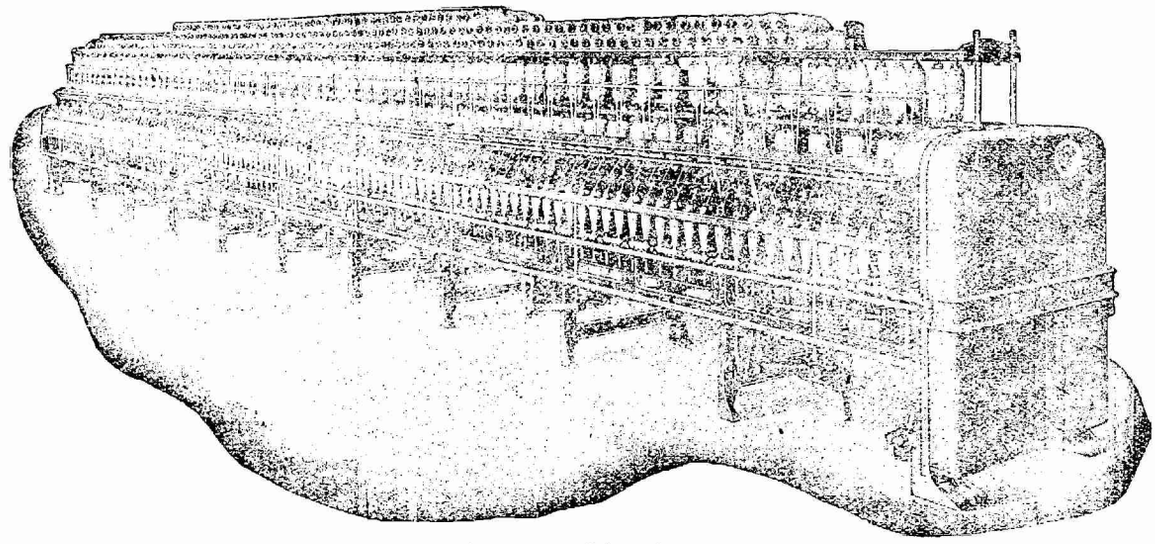

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Company and were made in their own lithographic department in Pootung. Liang Deung Ming, an artist in the advertising department of the company is responsible for the excellent work. One calendar is the suggestion of an old Chinese legend and the Chinese ladies are dressed in costumes portraying the style of that ancient day with the long loose mandarin dress, and high head-dress, while another calendar is a modern layout, showing the present day mode of dress the short coat and trousers, and low head-dress.

A report of the work accomplished in China by the Methodist Episcopal Church has recently been made and issued in circular letter form by the Methodist Publishing House, Shanghai. It was thought for some time a cut in the appropriations for 1923 was to be made but word has been received that the Board of Missions has approved the celebration of the seventy-fifth anniversary of the Methodist Missions in China and there will be no turning back. Some announcements from the outports are interesting to note in this connection: Foochow plans to raise $10,000 for a students' church; Yenping, $5,000 for a hostel; North China, $10,000 for a girls' school; and West China is stressing the Bishop Lewis Memorial Church to be built in Chungking, and the Methodists of that city plan to raise $40,000, during the present year.

A Sesqui-Centennial Exhibition which will be a World Festival of Peace and Progress under the auspices of the President and Congress of the United States, and the Governor and Legislature of Pennsylvania, is being planned to be opened in Philadelphia, on Friday, April 30, 1926 and close on November 13, 1926. The plans of the directors of the association are in full appreciation of the opportunity that confronts the City of Philadelphia and the desire of the citizens for a fitting commemoration of the wonderful achievements of mankind under the spirit of liberty proclaimed in this city by the Declaration of Independence. The press note reads that Philadelphia as the Mother City of the Republic invites the Nation and the world to join in a great demonstration of progress and amity by which the peace and prosperity of all peoples will be advanced and insured.

The death occurred at Tokio, on February 4 of General Kuroki, a well known Japanese soldier who had seen much service during his lifetime. Gen. Kuroki was seventy-nine years old. By 1893 he was a Major General in the Japanese Army, and in that capacity served during the Sino-Japanese War, rendering distinguished service, for which he was created a Baron, while he was promoted to General in 1903. At the outbreak of the Russo-Japanese War he was in command of the 1st Army, which consisted of three divisions of the Imperial Guards and fought in many battles. It was in the battle of Liaoyang where he broke camp, left behind him only a rear guard, and advanced northwards, causing the retreat of General Keller. From this important movement into others General Kuroki had no inconsiderable share in the victory over the Russian Army. After the war he was appointed Member of the Supreme Military Council, raised to the rank of Count.

Chinese Girl Students Want to Share Boxer Funds

The American College Club met at the Y. W. C. A. Hostel House, 201 North Szechuen Road, on Tuesday afternoon January 30, for tea and a business meeting. There were more than 200 members in attendance.

At the business meeting which followed the tea, a rosolution was unanimously adopted severely criticizing the Chinese government's decision to exclude Chinese high school girl graduates from participating in the University education, given to boys under the Boxer Indemnity awards. It was the sentiment of the meeting that official protests should be lodged with the government at Peking as well as with the Chinese Minister at Washington,

There was a discussion over providing ways and means to raise a scholarship fund to be awarded yearly to one American high school girl graduate to assist in defraying her collegiate educational expenses in the United States. The chairman was empowered to appoint a committee to discuss the project, to evolve a method of selecting the candidate, and to report progress at the next meeting.

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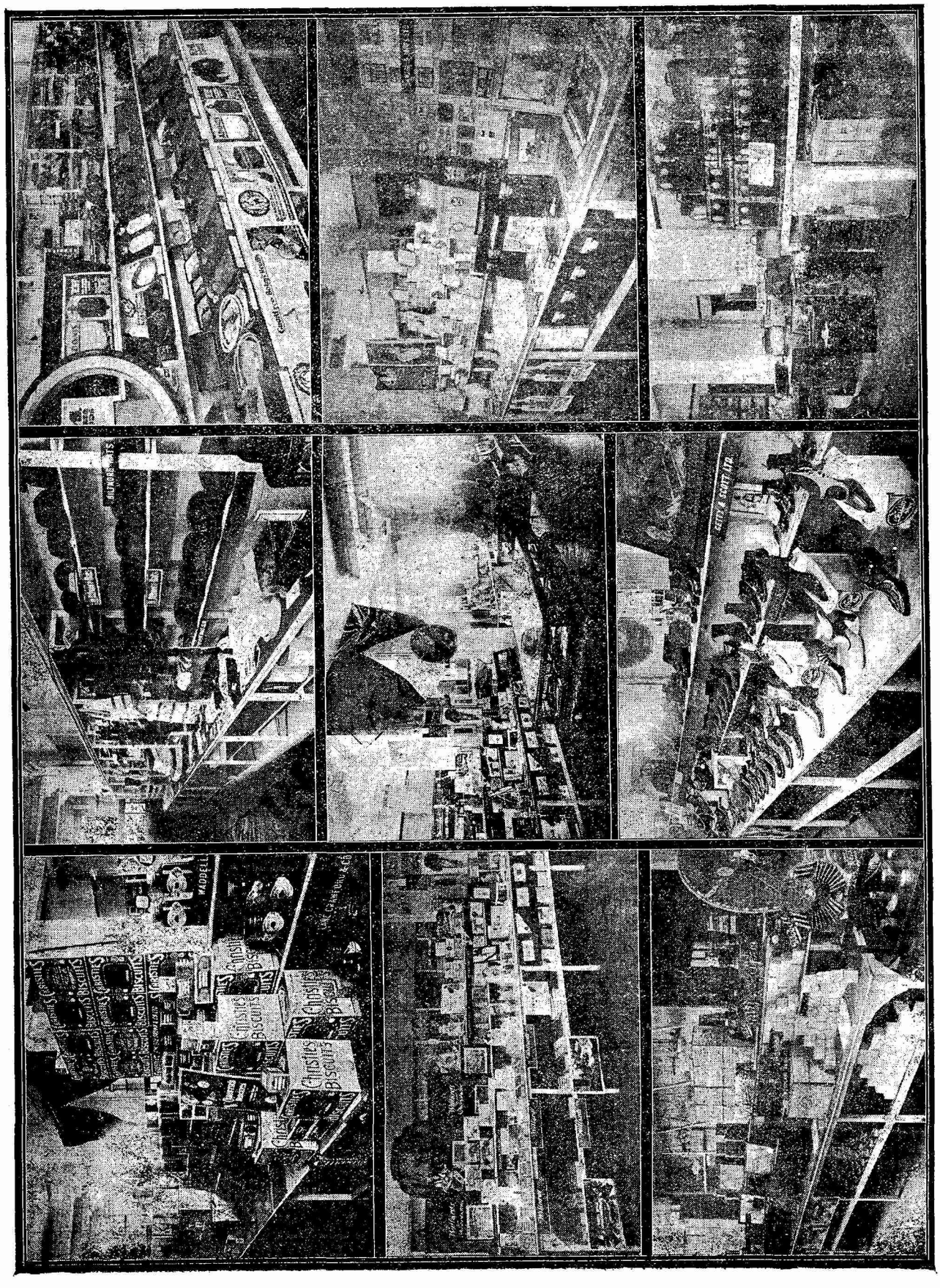


Views of the Various Departments in the Canadian Exhibit in Shanghai.
(Picture Supplied by Courtesy of Shanghai Times)

Products of Canadian Government Displayed in Show Rooms

The Canadian government with a view to fostering Canadian trade in China, officially opened sales rooms on Friday, January 2, when a varied assortment of manufactured and agricultural products of Canada were displayed in rooms on the ground floor of the Ewo building, Peking Road, Shanghai. It was through the efforts of Dr. J. W. Ross, Canadian Trade Commissioner to China, when on home leave last year, that it was made possible for these rooms to be opened in Shanghai. He was instrumental in promoting this plan and is assisted by Dr. D. B. Sparks, who is trade commissioner for the manufacturers.

The exhibits are displayed in large show cases with samples suitably arranged representing more than seventy-five modern manufacturers of the Dominion of Canada. Many and various are the lines displayed, including hardware, machinery, phonographs, leather goods, vacuum cleaners rubber goods, butcher shop accessories, tinned fruits, candies, footwear, feminine lingerie, toilet articles, including electric fixtures, gloves, hosiery, handkerchiefs, and other things.

A sales organization has its offices in conjunction with the display rooms and the articles displayed are of the highest quality and the prices quoted compare with those of any other competing country. Mr. Sparks is in charge of the sales office and will deal with the trade only. Mr. Sparks is familiar with the Oriental field as he has spent considerable time in the East.

Weekly Review's Correspondent Arrested in Canton

HIN Wong, correspondent for the *Weekly Review* in Canton and editor of the *Canton Times*, was arrested by the Yunnan-Kwangsi militarists who were brought into Canton by Dr. Sun Yat-sen and who repudiated Dr. Sun after they had gained control of this rich and powerful Southern province and metropolis. Mr. Wong is a graduate of the School of Journalism of the University of Missouri of the class of 1912 and since that time has been engaged in journalistic activities in South China acting at various times as correspondent for the *Associated Press* and *Reuters Services*. In addition he has been active in public affairs being head of the Chinese Boy Scouts organization in South China, superintendent of government schools for the blind, aged and infirm, inspector of prisons, chief of the divisions of charities and a member of the faculty of the Kwangtung college and the Canton Union Normal School. In addition he is a member of the committee of the Y. M. C. A. and chairman of the council of elders of Pingti, a suburb of Canton.

Mr. Wong was delegate from the Canton press to the World's Press Conference in Honolulu last year and afterwards went to Washington where he covered the proceedings of the Washington Conference for South China newspapers. He is well known among foreigners as well as Chinese and considerable anxiety was felt for his safety. It has been reported however that he is in no personal danger and outside of considerable personal loss through the search of the premises of the *Canton Timec* and his home by soldiers he is none the worse for his experience.

Thanks to the work of and money raised by Dr. Sun Yat-sen, the great "liberator", Canton City, all sections including Honam, is now fully occupied by Yunnan-Kwangsi troops. They have succeeded in disarming all Cantonese troops, the loyal troops of General Wei Pong-ping, acting commander-in-chief of the Cantonese Army, the 3rd Division, having been disbanded by the Kwangsi Army led by Shen Hung-ying. General Wei was first held by the Kwangsiites while attending a conference, and was forced to order his men to resign and give up their arms. As the officers and men of the 3rd Division had either to disband themselves or sacrifice the life of their chief, General Wei has since then been freed through the mediation of the foreign consular authorities in Shameen. Hu Han-min, who was inaugurated as civil governor of Kwangtung but a few days ago, and other high Canton officials have left Canton for Hongkong. Their purpose was to welcome the return of Dr. Sun Yat-sen, who was to have reached Canton, January 29 or 30.

The Kwangsi-Yunnan troops are disarming the irregular companies of the Punitive Army of the Constitutionalist government, now maintaining its capital in the French Concession at Shanghai. These irregulars are supporting themselves by hunting "rebel suspects" in the different sections of Canton. Private property is being searched at will.

True to Chinese courtesy, the Yunnan-Kwangsi troops, the "guests" or "friends" of the Punitive Army of Kwangtung, have been permitted by their host to occupy the best posts of the province. The Yunnan-Kwangsi Army has made its friends members of the Cheng-Hsueh-hui, managing director of the Canton-Samshui Railroad, Kwangtung Yueh-Han Railroad, and other important positions. To further enlarge the channels of revenue, the Kwangsi militarists have sanctioned the reopening of public gambling.

According to a local press report, there were 13,542 marriages in Canton in the 70 days ending with January 25.

Koo Yat Kwong, commander of a division under Shen Hung-ying, has replaced Wu Fei as commissioner of police in Canton. The return of Fo Sun as mayor of Canton is hopeless, since the Yunnan Kwangsi army will not respect the authority of the municipality.

The armed police of Canton stationed within the Canton Police Headquarters were disarmed by Yunnan-Kwangsi troops January 27, when the Canton police lost not only their arms but also all office furniture and documents, besides nearly $30,000 in paper currency and silver.

The managers of many gambling houses newly reopened in Canton in order to supply funds for the visiting troops are complaining that they have not been prospering the last few days. The reason was that there were more gambling houses than the demand called for.

Yang Saae Om, a Hongkong Chinese merchant, has been appointed commissioner of finance of Kwangtung. He, like the new governor, Hu Han-min, did not officiate long before he was compelled to leave here for Hongkong.

One report says that General Chen Chiung-ming, after his forced departure from Canton, has decided to move his forces still loyal to him over to Kiangsi and that an arrangement is being made with the Kiangsi authorities for the accommodation of his men. Some of General Chen's followers did not withdraw as ordered when he left Canton on the night of January 15 and are now being scattered in the different parts of Canton. These soldiers are now disposing of their arms, the pieces they are selling as well as those captured by the non-Cantonese troops from the irregular companies of the punitive army have made Canton a cheap market for used rifles and other arms. The headquarters of the commander-in-chief of the Cantonese Army has forbidden the purchase of these rifles.

Representatives from fourteen labor unions, four schools and some women's organizations, in a meeting at the headquarters of the Federation of Labor, January 22, resolved in favor of inviting Dr. Sun Yat-sen to return to Canton; asking the several units of troops to move out of the city, to cease public gambling, and to respect public opinion.

The total damage at Fatshan due to the present change of military regime in this province was put at $1,159,999, partly caused by fire and partly by looting of incoming and outgoing troops. Fatshan is 15 miles from Canton along the West River. Many troops have not yet moved out of the private houses they occupied on their entering the city. These troops are protecting gambling on a fee of $2,000 a day, in spite of protest from the citizens.

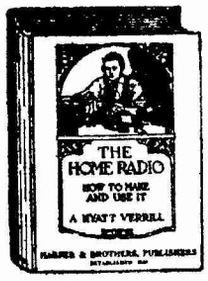
The Canton-Samshui Railroad, after a suspension of several days because of having more than one managing-director who wished to collect the fares but refused to pay the bills for maintenance, is in operation again. Instead of the many managing directors from the several army units, the commander whose troops are occupying the several stations, is now in charge of the road. Commander Chiang Kuang-lian is now operating the road. The managing-directors holding commissions from the military commanders are Lee Chi-wai, Mon Chuck Wah, Lum Ai Kau, Ly Ngau Chuen, and Mr. Sze.

Chen Chang Po, Lee Bing Wing, and several other commanders under Chen Chiung-ming have resigned their posts and have gone to Hongkong. They have been neutral in the present conflict between the pro-Chen and pro-Sun factions of the Kuomintang. Reports from the East River districts say that General Chen has apparently withdrawn to the country districts so as to reoganize his army and enable him to return to Canton in six months.

Sixteen undesirable non-Cantonese soldiers were either killed or wounded when as usual, the stronger company made an attempt to oust the weaker one stationed on the Hill of the God of Mercy, Kwun Yum Shan, afternoon of January 22, north of Canton City.

The Kwangsi troops under General Shen Hung-ying have been reorganized in four divisions. They will occupy the North River districts of Kwangtung as well as the capital here.

Canton, February 3, 1923.



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News from Central China

The first snow and chilly winter weather seems to have brought to Chinese minds the good omen of prosperity and fine crop for the next year. The Tuchun offered his thanksgiving this morning at the Chiang Chung Temple for the coming prosperity in Hupeh.

The General Chambers of Commerce of Wuchang and Hankow and the Hupeh province Chamber will shortly circularize the provinces in order to publicly endorse the step previously announced in connection with a national movement for disarmament in China.

Printers in Hankow have just completed the organization of their union. They have sent in their petition to the local authorities for official sanction. The promoters claimed that their Union unlike others in Hankow will promote the interests of their trade only through peaceful means.

A gang of six robbers dressed in long gowns and armed with revolvers and knives broke into one of the leading gold and silver shops in Hankow last Tuesday evening at 8 o'clock, and broke open the vault of the shop and cleared off with about 200 ounces of gold and jewels. The tardy action of the police left the robbers an ample chance of making away with the loot and escaping at an easy speed.

The speaker of the Provincial Assembly of Wuchang has proposed to the Assembly the granting of the vacant lot in front of the Assembly Building to be the site of a public recreation and play ground for schools in Wuchang. Plans are being discussed to start work on the ground, which will provide sufficient room for the assemblage of students from various schools especially for competitive games and sports.

Mgr. Constantini arrived in Hankow from Chengchow on January 22. Chen Chieh, the Commissioner for Foreign Affairs, representing Tuchun Hsiao Yao-nan, G. Lecomte, and Van em Cutsem, the French and Belgian Consuls, were at the station to meet the distinguished visitor. Mgr. Constantini was entertained at the Tuchun's yamen the next day. He is at present staying in the former German concession.

The employees and workmen of the various egg produce companies in the provinces of Honan, Chihli and Hupeh are proposing to organize a big labor union amongst themselves, and plans for the organization are progressing well. There are about 30,000 workers in egg factories in this territory. The biggest egg produce company is managed by a Chinese concern owned by a local millionaire in Hankow.

The Tayeh miners, strike was pretty near settlement when it was announced that the scale of wages would be increased and that allowances would be given to miners for the period of the strike. A subsequent announcement, however, postponed increase until after the China New Year and turned the other terms of agreement to the consideration of the Han-Yen-Ping Iron and Coal Co. This gave rise to further labor agitations at Tayeh besides prolonging the strike.

The rumor is again rife that Dr. Sun Yat-sen is sending his Kuomintang agents to the various semi-independent provinces in the southeast in an attempt to form a coalition government in order to consolidate his administration. The alliance is reported to comprise the province of Kwangtung, Kwangsi, Yunnan, Szechuen, Kweichow, Fukien, Chekiang, and Hunan. Kuomintang agents will work individually in the provinces to undermine the present status quo.

Chinese druggists and dispensaries have been charged by the local Inspectorate-General of Opium of Hupeh and Shensi as being responsible for the importation of morphia and narcotics into the interior of China. As a last warning to drug dealers, the Inspector-General and Tuchun Hsiao Yao-nan have issued a special proclamation, which is published in the local press, stating that heavy punishment will attach to such disobedience of law as importation of narcotics.

The three steamer companies on the Hankow-Shanghai run have again announced that their freight rates are subject to further increases, should shallow-water condition on points below render such a step necessary. During this winter season the freight rates have been increased twice applying to steamers of the China Navigation Company, the Indo-China Steam Navigation Company and the China Merchants' Steam Navigation Company. The N. K. N. steamers are not included in the previous steps of raise of freight.

According to the meterological report by S. V. Boxer, of Griffith John College, seventy-four days have elapsed since the last fall of a tenth of an inch of rainfall and the break that came last week. The longest period of absolute drought

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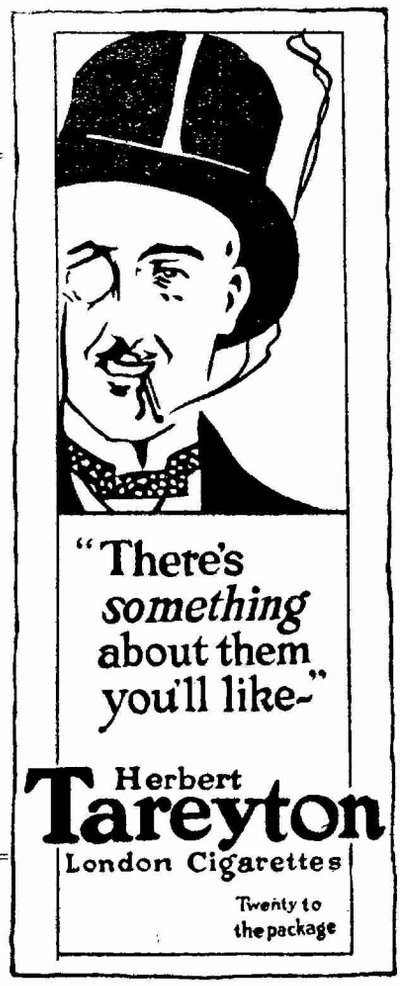

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23-490

occurred in August-September when no rain fell for thirty-two days. The most remarkable feature of the late summer was the failure of the usual break accompanied by thunder and rain. The break did not occur until September 17, when it was brought about by a strong northerly gale unaccompanied by any rain.

Colleagues of former ex-Governor Tan Yen-kai are coming back to Changsha. Their objective seems to be nothing less than the routing of Governor Chao Heng-ti. Local political funds appear to be warming up again. Governor Chao has telegraphed to General Wu Pei-fu for support and instruction as to how to deal with the renewed strife. Official circles state that the recent election of Chao Heng-ti to governorship Hunan increased the numbers of dissatisfied aspirants who are making desperate efforts to change the present order.

Writing from Shangtsai, Honan province, a foreign missionary states: "Prospects of even a fair harvest for the spring are almost nil. No rain has fallen for months with the exception of last Sunday (January 14). As I cycled here from Yencheng, the dry and barren fields attracted my attention more than anything else. It is sad to think that we shall be faced with another shortage of food if not actual famine this spring. In consequence of this long unbroken drought prices of food are continually on the rise. The poor are finding it very hard to get even two meals a day, and some have to be content with one."

The Hankow Race Club has lined up the following for urgent practice in preparation against an interport foot-ball match with Shanghai with the Hankow team visiting at the latter port: A McIntoch, H. Middleton, A. Middleton, E. Rowland, G. Humphreys, A. H. Mancell, A. L. Barton, H. Hunter, T. F. Blears, T. D. Emslie, G. H. Charleton, W. R. Healey, W. T. Yoxall, Charles Monbaron, H. Archibald, K. M. Bryson, K. W. Tribe, J. F. Cannan, A. H. Hutchison, N. R. Lacey, R. W. French, Verne Clair, H. Lowe, E. S. Little, A. C. Trivett, T. Pearson, A. W. Reynell, P. C. Elsom, H. Burns, R. Nash, G. Munro, W. E. Smith, L. G. M. Kidd, C. E. Sherwin, T. Blake, S. Tweedie, R. Mace.

Whether Hunan should bolster up Dr. Sun Yet-sen in his operation in Kwangtung or not was the subject of a hot debate in the Provincial Assembly last Monday. The negative party won the debate, and it was decided that Hunan should observe silence and neutrality in the present Kwangtung fight. The neutrals stated that inasmuch as Hunan is an independent province it should direct its effort to internal affairs only. The radicals argued that since Dr. Sun Yat-sen is regaining his ground in Canton no effort should be spared to support him, so that he can eventually organize a federal state government in China. The question was then voted which resulted in a victory for the neutrals.

The usual stringency in provincial finance proceeding the China New Year period is not so conspicuous this year. The Tuchun in Wuchang has just held a conference with likin agents from all districts in Hupeh who are assembling in Wuchang this week to give their reports of likin revenues in their respective localities. Tuchun Hsiao has intimated that likin agents who can bring in the largest squeeze to the provincial government between now and China New Year will be duly rewarded and promoted. This has proved to be a very effective incentive in urging the collection of cash at this time of the year. Assurances have been given by many agents who are after promotion and aggregates of such estimates seem to cover well the need of the season.

The distressing winter has made all boastful labor strikers slacken off, and all hands were again busy on January 22 at the British Cigarette Factory. The arrival of this peaceful settlement was brought about by a Committee of Conciliation composed of several Chinese business men and professional men, whose spirit of fairness to both parties is much appreciated by both the B. C. C. management and the workers. The workers are allowed a compassionate allowance of a week's wages in view of the fact that they were out of employment for about two weeks on account of the close-down of the factory. The company further recognizes the B. C. C. Worker's Club limiting its membership to workers of the factory only. In return for this concession the workers agree that the Club should hold itself responsible for the good conduct of its members in the future. After this settlement the working men and women seemed highly satisfied with the attitude of the B. C. C. in reopening the factory and in making a compassionate allowance for non-employment during the strike. The agreement was signed last Saturday by the manager of the British Cigarette Company, J. Gilliam, and representatives of the workers, being witnessed by gentlemen of the Conciliation Committee. The terms of the agreement were based upon the demands presented by the workers on January 3.

Hankow, January 27, 1923.

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The Week in the Far East

(Covering the period from Wednesday, January 31, to Wednesday, February 7.)

With the Chinese Republic about to enter upon its eleventh year and still no permanent constitution formed, with chaos existing on all four sides of the central government within China's own borders, the Russian situation unsettled on her extreme North, and the usual differences existing between herself and her neighbor, Japan, it seems with the manifold problems confronting her, *the* solution, if any is far distant. The Chang Shao-tseng Cabinet in Peking is still without a Minister of Foreign Affairs, several having being named, but none appointed. Canton is still in the throes of a great war between her military leaders in the Southern province, Manchuria—the great stamping ground is still the center of interest for Chinese, Japanese and Russians, and Japan is greatly interested in the formation of a new Russian policy as well as troubled with other foreign policies, and with all these there seems to be no outstanding news during the week under review.

A state of panic seems to predominate in Canton and vicinity, all Chinese shop-keepers keeping their shops closed to business while heavy fighting continues. Sun Yat-sen's forces seem to be continually gaining ground and conditions will remain the same if the report re General Chang Tso-lin remitting a sum of money ($300,000) to General Hsu Chung-chi, commander-in-chief of the Constitutionalist troops in Fukien is not true. Fighting in Canton has caused a general exodus of Chinese to Hongkong and the financial situation in Hongkong has been considerably lessened due to the fact that large amounts of money have been deposited with local banks in Hongkong by wealthy refugees from Canton. During the fighting foreign gunboats are anchored in Pearl River in case of emergencies.

A report in the *North China Standard* says the Foreign Minister is still unappointed, despite the number of important questions before the Chinese foreign office. The more important of these cases, according to the *Chung Mei News Agency*, is the settlement of the Coltman Case with the American Legation, an agreement with the Russia-Soviet Mission as to when and where the Sino-Russian negotiations are to be held, in a way a settlement of the Weiheiwei deadlock. The nominations seem to rest on Wang Yun-pao, appointed Minister to Japan who has not yet assumed his post. The plan is to appoint the present Vice-Minister of Foreign Affairs, Mr. Shen to be Acting Minister, while Parliament passes on Mr. Wang as permanent Minister. There seems to be some keen criticism of Mr. Wang for his strong pro-Japanese tendencies. A later report re the appointment of a Foreign Minister was included in a news notice in the *North China Standard* of Sunday, February 3, which said Huang Fu, had been appointed Foreign Minister by Premier Chang Shao-tseng, at a tiffin held in the Presidential Mansion. However, President Li at that time had not expressed his approval or disapproval.

With regard to Dr. Alfred Sze's appointment at Washington, it is not known whether he relinquished this appointment when his name was submitted to Parliament as Minister of Foreign Affairs or not. The report continues:

"The authorities are not all certain and the matter is serious inasmuch as it would involve a new appointment needing the sanction of the Parliament which did not appear to be very friendly to Dr. Sze. On the other hand it is argued that Dr. Sze came to Peking merely on leave and never gave up his credentials as Minister and was never the formal head of the Waichiao-pu. Although he submitted his resignation from his temporary appointment to that post and in reality gave up the office, no Mandate has yet been issued accepting his resignation, since it is the practice to combine such a Mandate with the one appointing the successor. Thus Dr. Sze is the technical Minister of Foreign Affairs. Mr. Wang Yun-pao the likely Minister is Japanese trained and has been Chinese Minister to Brussels and Berne, and speaks French."

The usual clamor for funds at this time of the year, the Chinese New Year, is causing some hurried and interesting despatches to be sent from the Capital to the provinces. The Ministry of Finance states that the lunar year is at hand and that the national Treasury is empty, the revenue derived from the domestic bonds has been exhausted while the Customs and Salt revenues are earmarked for loan services and cannot be touched. To tide over this stress, ten million dollars are needed.

Tsingtao comes to the forefront during the week under review and sends a demand to the central government, that a director of affairs be appointed to take charge of affairs in Shangtung. Two protests have been made, one by the Japanese government, and the other by the members of

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No. 14—February 3rd

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the Shangtung Provincial Assembly, who sent a telegram to the President, Cabinet, Parliament, Marshal Tsao Kun, and General Wu Pei-fu. Many reports have been made saying all sorts of irregularities and corruptions are occurring, owing to the fact there is no responsible head of the Tsingtao administration.

Disorder continues throughout China in the various educational institutions. Students Unions' in Peking have made serious threats if Peng Yun-yi was not dismissed as Minister of Education. They also demanded the retention of Tsai Yuan-pei.

The famine situation in China seems to be apparent again this Spring in China as Honan and Central China have been without rain for several months. Banditry is also on the increase again, despite resolutions of various heads of provinces to solve troubles of China by disbandment of troops. Sun-Yat-sen's latest reunification plan states that disbandment is the only solution to China's present difficulties. In this same connection, Yang Shan-kuan, a Fukien Member of the House of Representatives has lately introduced a resolution asking for the abolition of posts of the Inspecting Commissioners, Occupation Commissioners, Defence Commissioners, Tuchuns, and Director-Generals of Military and Reoganization Affairs.

Sir Francis Aglen made an important announcement in his memorandum on the Customs revenue for 1923 recently, in which he states, the revenues will cover all loan obligations dependent on them except the Consolidated Loan Service and the 96,000,000 dollar loan of 1922. He estimates the deficit for 1923 on the consolidated service of $4,250,000 while nothing will be left for the loan.

Japan is centering her attention on the formation of a new Russian policy, and controversies on the Japanese postal treaty as well as the expected revival of anti-Japanese agitation in the California Legislature. According to a recent telegram from San Francisco, a resolution has been introduced in the Legislature demanding a revision of the American constitution so as to deny citizenship to Japanese born in the United States. Japan is grumbling over the fact that the California legislature meets only twice a year and each time brings up anti-Japanese bills. The last bill had to do with denying fishery rights to the Japanese. The old citizenship question is a drawn out one and its history is taken up in a report in one of the Japanese dailies.

During the week under review a controversy between Japan and China has arisen over the settlement of the account relative to the payment of the coupons of the Chinese government Reorganization Loan of twenty-five million pounds, issued in 1913. On January 22, according to the *North China Standard* the Yokohama Specie Bank, through its Peking branch sent a note to the Chinese government demanding a settlement of the account relative to the payment of the coupons, and in case the Chinese government did not comply with the demands steps would be taken to seize the portion of the Salt Gabelle placed in its custody. The Chinese government refuted in full the points as put forth by the Bank and proposed a postponment of the settlement of the account, which the Bank refused to accept and is determined to take suitable steps. This opportunity has afforded the Chinese Press, the opportunity to launch an attack on Japan, and many preposterous reports have been circulated. The bank to vindicate itself published in full a statement which is a full translation of the text. It includes the agreement made between the Yokohama Specie Bank and the Chinese government re the cashing of the coupons of the 1913 Reorganization Loan, issued by the Chinese government, receiving repayment of the money thus advanced through the central clearing house in London. The other provisions show how the Russo-Asiatic Bank came into the agreement on the ground that the loan bonds kept in custody at the Bank in Petrograd had been confiscated by the Soviet government.

GENERAL NEWS SUMMARY

February 1. Paris despatch reads semiofficial statement foreshadows the establishment of a formal Franco-Belgian administration in the Ruhr, on which General Weygand will represent France.——French and Italians are prepared to continue negotiations, but British do not propose to alter previous plans.

February 2. Forcible action is threatened by Notes sent by Conference of Ambassadors which requests Lithuania to restore normal situation at Memel.——More concilitary attitude is shown at Lausannce as hosility of Turk seems less.——Great Britian agrees to terms of America's offer to fund the British war debt which reads that for ten years at three percent, and after that 3½ percent with a

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Pres. Taft, S'hai, March 3 (105)
Pres. Lincoln, S'hai, Mar. 17 (105)
Pres. Pierce, S'hai, Mar. 31 (105)

From San Francisco
Honolulu, Kobe, S'hai Manila, H kong

Pres Taft, S'hai, Feb. 16 (105)
Pres. Lincoln, S'hai, March 1 (105)
Pres. Pierce, S'hai, Mar. 14 (105)
Pres Cleveland, S'hai, Mar. 29 (105)

From Seattle
Hongkong and Manila.

Pres. Jefferson, S'hai, Feb. 12 (1)
Pres. Grant, S'hai, Feb. 24 (1)
Pres Madison, S'hai, Mar. 8 (1)
Pres. McKinley, S'hai, Mar. 20 (1)

For Seattle
Yokohama, Kobe, Victoria

Pres. Jackson, S'hai, Feb. 18 (1)
Pres. Jefferson, S'hai Mar. 2 (1)
Pres. Grant, S'hai, Mar. 14 (1)
Pres. Madison, S'hai, Mar. 26 (1)

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Elkridge, S'hai, Mar. 8 (5)

From Portland, Ore.

Wawalona, S'hai, Feb. 19 (10)

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Wawalona, S'hai, Feb. 23 (10)

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percent sinking fund. The payments will be spread over a period of sixty years altogether.——Washington despatch says U. S. Shipping Board announces that in conformity with a reduction of expenses the payroll of the Shipping Board would be reduced by $100,000, and approximately 500 employes will be discharged.

February 3. French cut off coal supply to unoccupied portions of Germany, according to Paris despatch.——Customs officials at Washington, D. C. estimate revenue collections on imports for year ending June 30 will exceed G.$480,000,000 which establishes new record.

February 4 Coal blockade around Ruhr is complete as France commands every track entering Germany with order to fire if necessary.——London report says entire estate of late Lord Northcliffe which totals £5,000,000 must go to Britons.

February 6. Near East Conference ends in rupture, the Turkish delegation refusing to accept the treaty offered by the Allies, and Lord Curzon and other Allied delegates leave Lausanne.——U. S. Senate approves Army Bill, including provisions for 125,000 men and 12,000 officers.——Soviet government signs contract with German firm giving latter right to build and operate aeros in Russia and will maintain service between Russia and Persia.

February 7. Ismet Pasha accepts capitulations regime, which was one of the points on which Lausanne Conference broke down.

Weekly Cotton Market Report.

By A. B. Rosenfeld & Son

China Cotton.—The market during the past week has been rather quiet and prices have moved within a comparatively narrow margin, with the net result of a steady market as compared with last week's level. The bulk of the business for the week being chiefly adjustments of deliveries and winding up of accounts for the Chinese New Year.

Yarn.—The market during the past week has been quite firm, and prices advanced some one to two taels. Over 6 to 7,000 bales new orders being booked direct with the Mills at very fancy prices, and some 3 to 4,000 bales were sold second hand for export to Szechuen, Swatow, Tientsin, Fukien, Wuhu Canton, and Kiangse.

Liverpool, February 1, 1923.

Liverpool Market:—

Middling American, Spot.....15.57 Pence
" " March ..... 15.06 "
" " May .....14.90 "
Market:—*Steady.*

New York, February 1, 1923.

New York Market:—March.....27.27 Cents
May.....27.52 "
July.....27.08 "
October .....24.90 "
December .....24.68 "
Spot .....27.40 "
Market:—*Steady.*

Bombay, January 31, 1923.

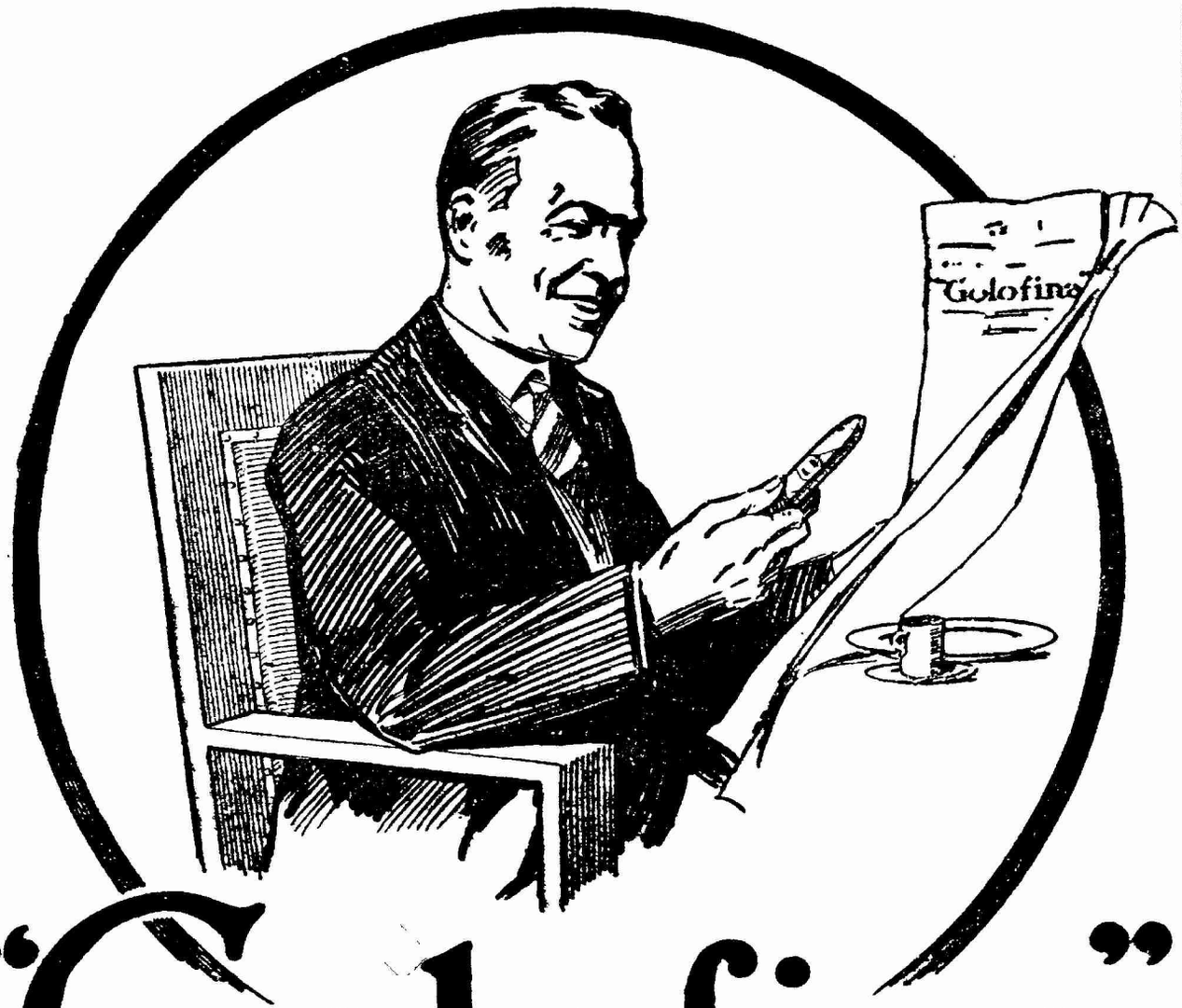
Bombay Market:—

Broach, F. G. April/May.....Rps. 515 per Khandy,
Fully Good Bengal, March ..... " 377 " "
Fine Oomra, March ..... " 465 " "

Market:—*Steady.*

Shanghai Market:—

Tungchow, Spot..... Tls. 42.00
Shanghai, Spot..... " 39.00
M-ginned, Sopt ..... " 39.00
Taichong, Spot..... " 40.50
Shensi, Spot. ..... " 41.00
Market:—*Steady.*



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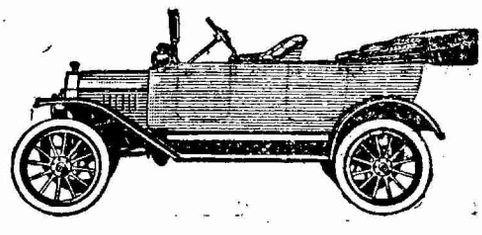


Shanghai Exchange for Week Ending Wednesday, January 31st, 192

By Maitland, Fearon and Brand

Exchange:—After fluctuations the London price of silver at 31 5/8d. ready and 31 7/ forward, shows a drop of 3/4d. and 1/4d. for these deliveries respectively since this day week. Our official rate for T/T on London after rising to 3/1 1/4d. has declined to 3/0 last week's closing price. Activities in the silver markets appear to be on the wan Our exchange market has been dominated by demand for money for the "end of th month" and "Chinese New Year" settlements, and rates for T/T on London ha ruled above official quotations to the extent of 1/2d. to 3/4d. for early delivery, at the cl 3/1 7/16d. is reported. In sympathy with these operations, good rates for forward deliveri have also been offering. Our official quotation is based on the parity of forward silveri London. Exchange business in connection with Imports, and Exports is very dull.

Our stocks of silver are reported as follows :—

Sycee and Bar Silver .....Tls. 22,340,000 a decrease of Tls. 1,130,000.

Chinese and Mexican Dollars..... $ 32,630,000 a ,, of $ 1,590,000.

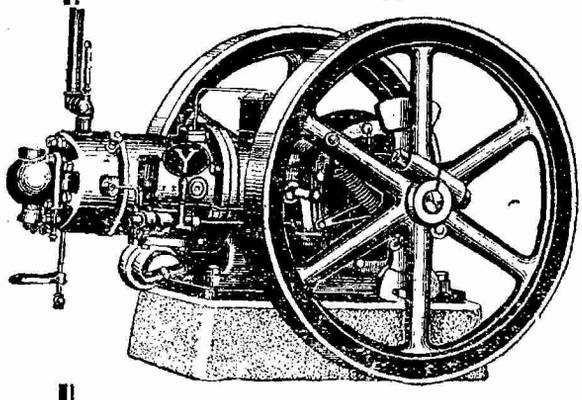
Estimated value Tls. 45,833,000 as against Tls. 45,739,000 held at this time last year.

T	Average rates for December	Thursday Jan. 25	Friday Jan. 26	Saturday Jan. 27	Monday Jan. 29	Tuesday Jan. 30	Wednes Jan. 3
Bk's selling rates		*opening closing*	*opening closing*	*opening closing*	*opening closing*	*opening closing*	*opening closing*
T/T London	3/0.739	3/1 3/1 1/4	3/1 1/4	3/0 3/4	3/0 3/4	3/0 3/4	3/0 1/
D/Dtts. ,,	—	3/1 1/2 3/1 3/8	3/1 3/8	3/0 7/8	3/0 7/8	3/0 7/8	3/0 1/
4m/s ,,	—	3/1 1/2 3/1 1/2	3/1 1/2	3/1	3/1	3/1	3/0 1/
T/T India	229.156	214 1/2 216	216	217 3/4	222	222	220 1/
T/T France	977.917	1110 1120	1120	1115	1130	1160	1170
T/T N Y.	70.489	71 3/4 71 1/4	72 1/4	71 1/2	71	71	70 1/
T/T H'kong	75.120	74 74	74	74	74	74	74
T/T Japan	69.349	68 67 1/2	67 1/2	68 1/2	68 1/2	68 1/2	69 1/
T/T Batavia	180.208	185 186	186	183 1/2	183	183	181 1/
T/T Straits	76.719	76 1/4 75 3/4	75 3/4	76 3/4	76 3/4	76 3/4	77 1/
Bk's buying rates							
4m/s B/L. Cred, D/A	3/2.239	3/3 3/3 1/4	3/3 1/4	3/2 1/4	3/2 3/4	3/2 3/4	3/2 1/
4m/s ,, D/P	—	3/3 1/4 3/3 1/2	3/3 1/2	3/2 1/2	3/3	3/3	3/2 3/
6m/s ,, D/A	3/2.739	3/3 1/2 3/3 3/4	3/3 3/4	3/2 3/4	3/3 1/4	3/3 1/4	3/3
4m/s B/F. C., D/A, D/P	1,027.917	1160 1170	1170	1165	1180	1210	1220
4m/s N.Y. Lc.	73.979	75 1/2 75 3/4	75 3/4	74 3/4	74 1/2	74 1/2	74
4m/s ,, Docs	—	75 3/4 76 1/4	76 1/4	75 1/4	75	75	74 1/

†Based on Daily Official quotation, higher rate taken on rising Market, lower when falling	Jan. 25	Jan. 26	Jan. 27	Jan. 29	Jan. 30	Jan 31
Bullion.						
*London Price of Bar Silver per oz. (English Standard 925 touch) Pence.	32 11/16	32 1/4	32	32 5/16	31 5/8	31 1/
**N.Y. Price of Bar Silver per oz. (Pure)	G. $.67 1/8	G. $. 66 1/4	G. $. 66 1/8	G. $. 66	G. $. 64 7/8	G. $. 65
Shanghai Price of Gold Bars (weight Tls. 10 (Chauping) 978 touch	Tls. 327.00	Tls. 328.80	Tls. 327.50	Tls. 329.00	Tls. 329.10	Tls 329.10
Shanghai Silver Bars (weight Tls. 100 (C.)999 touch)	111.00	111.00	111.00	111.00	111.00	111.00
Shanghai Mexican Dollars per $100	72.05	72.0375	72.0875	72.10	72.125	72.15
Native Bank Rate of Interest (Callmoney)	3 1/2 %	3 %	2 %	3 %	4 1/2 %	6 %

*Closing Price in London for Previous day.
**Closing Price in New York for Previous day

Bank of England rate of discount	3 %	London on Paris	T/T 76.4
Bank of France rate of discount	4 1/2 %	London on Germany	T/T 182.50
London open Market rate of Dis. 3 m/s.	2 3/4 %	New York on London	T/T 4.64
,, ,, 4 m/s.	2 3/8 %	Bombay on London	T/T 1/4
,, ,, 6 m/s.	2 1/2 %	Hongkong on ,,	T/T 2/5
		Yokohama ,, ,,	T/T 99



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New Books and Publications

A China Trade Directory

Finance and Commerce Year Book and Merchants' Register: Publishers, Finance and Commerce, Shanghai: Mex. $10 a copy.

THE 1922-23 volume (the second edition) of the Finance and Commerce Year Book, edited by Edwin J. Dingle and F. L. Pratt, and published by Finance and Commerce and the Far Eastern Geographical Department, 6 Kiukiang Road, Shanghai, is just off the press. Following closely the style of last year's edition, the latest issue brings up to date the multifold information it contains, and is improved by many revisions and additions.

Among the new features are compiled tables of China's exports and imports for the past 60 years. The Pacific Northwest Section is the beginning of including commercial data concerning cities and countries on the Pacific coast of America within the scope of the Year Book. Further amplications of the content of the first edition are too numerous to mention here.

The Year Book is unquestionably a valuable book in any businessman's library, particularly of such as are engaged in import or export trade with the Far East. The data is divided into eight sections, affording handy access to whatever information is desired. Copious statistics are given on the trade and production of China, Japan, the Philippines, Strait Settlements, Hongkong, and other Far Eastern countries; rates of exchange and the intricacies of Oriental monetary systems are set forth and explained; business methods, weights and measurements, banking policies and facilities, shipping, freight and insurance, indeed all the information which can be written in a book concerning trade in the Orient is pretty well contained, it seems, within the covers of this latest edition of the Finance and Commerce Year Book.

R. B. L.

China Enterprises, Inc. to Engage in Various Commercial Lines

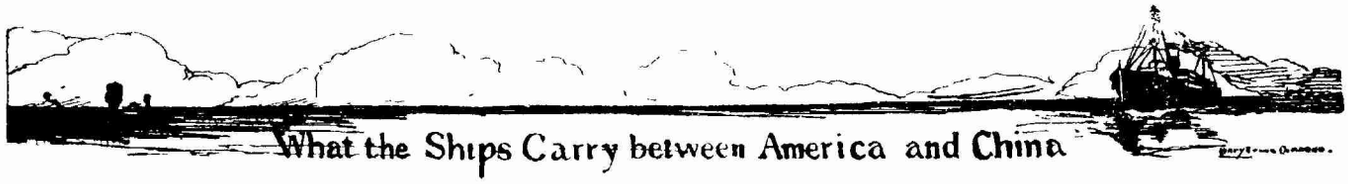
The arrival in Shanghai last week of Chow Tsu-chi, former Minister of Finance and Acting Premier, after an extensive trip to America and Europe lends interest to the recent incorporation in Delaware of the China Enterprises, Inc., an American firm formed for the purpose of engaging in many different forms of commercial activity in China. The capital of the parent organization has not yet been fixed, but two subsidiaries—the Universal Textile Corporation and the Dragon Film Corporation—have been capitalized at $9,000,000 and $5,000,000 respectively.

These two subsidiaries will enter into the silk and cotton business in China on a large scale and will undertake the distribution and perhaps manufacture of moving pictures in China, showing them to the public through 2,000 motion picture theatres which it is proposed to build.

The American directors of the China Enterprises, it was announced, are J. A. Thomas, formerly of the British-American Tobacco Company; F. P. Garvan, former U. S. Alien Property Custodian; Charles A. Meade, vice-president of the du Pont corporation; M. A. Poucher, a du Pont director; P. E. Mann of the Eagle Silk Company; Frank P. du Pont, A. J. Drexel Biddle, Jr., and R. C. Patterson of the du Pont Company. There are also nine Chinese directors, including Chow Tsu-chi, President Li of China, C. C. Nieh, C. T. Wang, and Chang Chien. Mr. Thomas is president of the company, Most of the interests represented in the above are of the so-called Du Pont, Brady and Duke interests.

Ultimately, it is proposed, manufacturing companies for the production of glass, pottery, and motor cars will be organized and factories erected in China. Chinese labor under American supervision will be used in these factories. The textile corporation already formed will establish an industrial plant at Shanghai, where goods will be produced for sale in China.

The film company proposes mainly to introduce into cities throughout China "pictures calculated to interpret Western life, business, and government." As part of the company's educational program an effort will be made to show the films in public schools. Frank Chamberlain, who was formerly associated with Famous Players, is in charge of this phase of the enterprise. W. F. Carey of the Siems-Carey Company and president of the China Society of America is also interested in the enterprises according to report.



Returns of the Shanghai Customs

(Key: Pls.—1 Picul or 133 1/3 pounds; Bls.—Bales; Pcs.—Pieces; Mille—thousands; Hk. Tls.—Haikwan Tls., Customs Rate Jan. Tls. 1.26 equal Gold $1)

S. S. Erle, from U. S. A., January 4.

Sheetings:

Grey, 15½ lb. over 110 threads per sq. in ...	Pcs.	640
Motor-cars	,,	2
Oilcloth	,,	800
Waterproof Cloth.....	Yds.	716
Iron Anvils	Pls.	27
Iron Nails, Cut	,,	270
Iron Washers.....	,,	18
Iron Wire Sheets.....	,,	2,210
Iron, Galvanized:		
Sheets, Plain	,,	267
Cement	,,	375
Glycerine	,,	25
Indigo Paste, Artificial.	,,	1,000
Leadfoil and Tinfoil ...	,,	194
Milk, Condensed	,,	36
Paper, Cardboard.....	,,	380
Paper, Cigarette, on Bobbins	,,	68
Paper, Coated	,,	893
Paper, Wax.....	,,	151
Paper, Writing.....	,,	24
Soda, Hyposulphite of .	,,	38
Soda, Silicate of.....	,,	43
Tobacco, Prepared....	,,	4
Shoes.....Pairs		276
Cigarettes.....Mille.		395
Turpentine.....Galls.		418
Dyes, Aniline, Pkgs. 17Hk.Tls.		4,303

S. S. Eumaeus, from U. S. A., January 4.

Iron Nails, Wire	Pls.	1,365
Iron Wire Rope.....	,,	227
Iron, Galvanized:		
Wire	,,	42
Wire Shorts.....	,,	2,819
Glue.....	,,	40
Glucose	,,	857
Dextrine.....	,,	89
Tobacco, Leaf	,,	6,397
Lanterns.....	Pcs.	1,200
Scales.....	,,	48
Cigarettes.....Mille		45,000
Varnish .....Galls.		540
Baking Powder.....	Doz.	210
Files.....	,,	530
Machinery.....	Hk. Tls.	29,629

S. S. Arizona Maru, from U. S. A., January 5.

Flour, Wheat.....	Pls.	5,720
Leadfoil and Tinfoil ...	,,	1,115
Wax, Paraffin	,,	488
Cigarettes .....Mille		104,000

S. S. Canadian Inventor, January 20.

To San Francisco.

Bristles.....	Pls.	10
Tallow, Vegetable	,,	5

S. S. President Madison, from U. S. A., January 8.

Iron Bars	Pls.	850
Apples, Fresh.....	,,	309
Cheese	,,	19
Dextrine.....	,,	462
Flour, Wheat.....	,,	368
Herrings, Salt.....	,,	2,402
Motor-cars	Pcs.	10
Cigarettes.....Mille		66,250
Timber:		
Softwood, Ordinary		
Sawn.....Sup. ft.		38,400

S. S. Durban Maru, January 18

To South Manchester.

Silk, Waste:

Shanghai Bls. 31	Pls.	96.95
Silk Cocoons, Domestic, Pierced:		
Shanghai Bls.	Pls.	109 79
Other Ports, Bls. 14 .	,,	42.87

To Darby.

Silk, Waste:

Other Ports, Bls. 65 .	,,	195.11

To Philadelphia.

Wool, Sheep's.....	,,	147

To Boston.

Silk, Waste:

Shanghai, Bls. 10 ...	,,	30.20
Cotton Waste.....	,,	276
Cotton Yarn, Waste ..	,,	125
Hides, Cow	,,	592
Nutgalls	,,	1,050

To New York.

Silk, Pongees, Honan .	,,	16.01
Silk, Pongees, Shantung	,,	55.73
Tea, Black Hankow ..	,,	818
Tea, Black, Kiukiang .	,,	331
Antimony, Oxide.....	,,	563
Antimony, Regulus ...	,,	1,260
Bristles.....	,,	199
Camphor	,,	200
Egg, Yolk, Dried.....	,,	111
Feathers.....	,,	644
Hair, Human.....	,,	50
Hides, Cow	,,	1,664
Nutgalls.....	,,	1,913
Oil, Wood.....	,,	3,710
Seed, Sesamum	,,	840
Straw Braid, White ...	,,	54
Tallow, Vegetable	,,	820
Wool, Sheep's	,,	2,774
Skin Mats, Dog.....	Pcs.	3,000
Hats, Rush.....	,,	195,600
Skins, Doe.....	,,	22,562
Skins, Goat Untanned.	,,	10,181
Matting, Straw, 40 yd.	Rolls	223
Carpets.....	Hk Tls.	1,733

S. S. President Cleveland, from U. S. A., January 12.

Cotton, Raw, Bls. 200.	Pls.	717
Iron, Bars	,,	1,677
Iron, Hoops	,,	568
Iron, Pipes Fittings ...	,,	3
Almonds.....	,,	6
Apples, Fresh.....	,,	49
Bleaching Powder	,,	253
Canned Asparagus	,,	70
Canned Fruits.....	,,	213
Cheese	,,	18
Cocoa, Prepared.....	,,	5
Fruits, Dried	,,	75
Hops	,,	5
Ink, Printing.....	,,	156
Lard.....	,,	5
Leadfoil and Tinfoil ...	,,	1,115
Leather, Calf	,,	2
Leather, Kid	,,	1
Leather, Sole	,,	254
Milk, Condensed	,,	1,440
Onions, Fresh.....	,,	150
Oranges, Fresh.....	,,	54
Packings, Unclassed...	,,	2
Peas	Pls.	10
Pitch	,,	577
Raisins	,,	240
Sugar of Milk	,,	45
Oil, Lubricating.....Galls.		24,040
Paints, Unclassed.....	,,	300
Brooms	Pcs.	288
Lemons, Fresh.....	,,	62,450
Motor-cars	,,	4
Typewriters	,,	15
Shoes .....Pairs		503
Canned Fruits.....	Doz.	130
Canned Meats	,,	11
Canned Fish	,,	260
Canned Vegetables	,,	538
Coffee, in Tins	,,	25
Gloves	,,	90
Hats.....	,,	3
Cigarettes.....	,,	51,750
Machinery .....Hk. Tls.		12,689
Treasure, Silver Bars.	,,	161,918

S. S. Copenhagen, from U. S. A., January 12.

Muslins, White, 37 in. by 42 yd.....	Pcs.	75
Tinned Plates, Plain ..	Pls.	1,350
Grease, Lubricating ...	,,	803
Soda, Caustic.....	,,	541
Tobacco, Prepared....	,,	1
Oil, Lubricating.....Galls.		80,133
Oil, Unclassed.....	,,	3,002
Shoes.....Pairs		72

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Outline for the Study of Current History, Finance and Commerce of China

by

H. F. MacNair, Ph. D.

Professor of History and Government, St. John's University

This outline, primarily for the use of middle schools and colleges, is based upon the Review for last week. It is not intended that the whole of the outline be used but that those topics be selected that are found to be adapted to the class.

1. International Affairs

Topic 1: Mr. Dyer's Criticism of China

References: Pp.377-78.

Questions: 1. Who is Mr. Dyer, and why are his criticisms of more importance than those of the average tourist? 2. Why did Mr. Dyer come to China? 3. What type of questions will he be asked on his return to America? 4. Of what importance will his answers be? 5. What has he to say regarding trade conditions in China? 6. What is China's condition financially, and how does this affect her international reputation? 7. What is said as to the abolition of extraterritoriality? 8. What is the value of frank criticism?

Topic 2: Extraterritoriality.

References: Pp.378-79,392,394,396,398.

Questions: 1. What is extraterritoriality? 2. Upon what is it based in China? 3. Why is it of especial value in such places as Yunnan, Szechuan, Manchuria, Mongolia, etc.? 4. What is the meaning of the Resolution adopted at the Washington Conference re extraterritoriality? 5. Why did China ask for a postponement of the visit of the international Commission? 6. In what way did the Russians and Germans lose their extraterritorial rights? 7. How does this affect the question? 8. How many treaties have the United States and China signed with each other?

Topic 3: Death of ex-Minister Reinsch.

References: Pp 380-82, also the *Review* for January 28.

Questions: 1. What was Dr. Reinsch's work before he came to China, and how did it fit him for his career in China? 2. How long was he here? Why was this a particularly difficult time to hold the position which he held? 3. Recount the story of the origin of the anti-Japanese boycott as given here? 4. What honors were paid Dr. Reinsch as he retired from his Ministry at Peking? 5. What position did he take up on his retirement from China? 6. What books were written by Dr. Reinsch? 7. Name his last book. Of what value is it? 8. What is the main thought of President Pott's memorial address?

2. Domestic Affairs

Topic 1: Dr. Alfred Sze, and the Portfolio of Foreign Affairs.

References: Pp. 378,410.

Questions: 1. According to present constitutional law who nominates a Cabinet Minister? Where is confirmation of the nomination given? 2. From the point of view of government what do you think of such a system? 3. Which body refused to confirm Dr. Sze's nomination? 4. How long did Dr. Sze act as Foreign Minister? 5. What did he do during these few days, and what is said to have been the effect in Washington? 6. Why is the refusal of the Senate to ratify Dr. Sze's nomination termed an act of "ingratitude"? 7. What type of man is apparently desired for Cabinet positions in Peking? Are there enough men of this type to fill such positions? 8. How do the numerous Cabinet crises and struggles in Peking affect the international reputation of China? Explain.

Topic 2: Canton and the Kuomintang.

References; Pp. 382,384,408.

References: 1. Why does an alliance between Canton and Peking seem distant? 2. What is the position of General Wei Pang-ing, and why has his name been so often lately in the papers? Who are the leaders of the Kwangsi party? 4. What is the relation at present between the Kuomintang and the Chenghsuehui? 5. What are the sources of disunity in the former party? 6. In what way is that party dependent upon Sun? 7. In what ways have the overseas Chinese aided the Kuomintang?

Topic 3: The Hwai River Conservancy.

References: Pp. 386,388.

Questions: 1. Where is the Hwai river? 2. What has been the work of Mr. Chang Chien re flood prevention? 3. Since the central and provincial government are remiss in this work what is the suggestion made for carrying it on? 4. How is the famine relief work of recent years used to show a method by which flood prevention can be carried on? 5. What objections are registered to flood prevention work? 6. What is meant by the term Financial Engineer, and what type of man is fitted for the position?

Topic 4: The Antiquity of Chinese Law.

References: Pp. 388,390,392.

Questions: 1. How far back can real law be traced in China? 2. Name the five characteristics of law as derived from the definitions of Han Fei Tzu and Hsin Tan. 3. What were the policies of, and who were Kwuan Chung, Hsun Pu Hei, and Hsong Yang? 4. Name the six theories of law mentioned by Mr. Hsu. 5. What are Mr. Hsu's conclusions?

Topic 5: Repeal of Old Law of Publication

References: P. 379.

Questions: 1. Who is now the Minister of Justice in Peking? 2. By whom, and for what purpose was the old law of publication promulgated? 3. Why does the present Ministry consider the law unwarranted? 4. How may the Public be protected from libellous or obscene articles?

3. Commerce and Finance

Topic 1: China's Default and Debt Collection

References: P. 384.

Questions: 1. What is the meaning of the word *default*, and when did China do this? 2. What action was taken by the Foreign Ministers in Peking? 3. What does Mr. Chu think of their action? 4. What might have been done? 5. Do you known the Calvo, and the Drago Doctrines? 6. Whtn difference is there between the moder- and the older attitudes of creditors toa ward debtors? 7. Why does Mr. Chu think the foreign nations are correct in being lenient with China? 8. What is the rule "*caveat emptor*"?

Topic 2: "Practical Instruction in Factories."

References: P. 401.

Questions: 1. What is this course being given? By whom? 2. What is the object of the course? 3. In what language is instruction given? 4. Suggestion: Write a paper on the subject of the need for industrial training (or of University Extension work) in the community in which you live.

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(Established by Act of Congress of June 30, 1906.)

JUDGE, Charles S. Lobingier.
U.S. ATTORNEY, Leonard G. Husar.
U. S. COMMISSIONER, Nelson E. Lurton.
CLERK, William A. Chapman.
OFFICE HOURS 10-12; 2-4.
U. S. MARSHAL, DISBURSING OFFICER, } Thurston R. Porter.
PRISON PHYSICIAN, DR. T. B. Dunn.
DEPUTY MARSHAL, Wm. Van Buskirk.
TIENTSIN:
SPECIAL DEPUTY MARSHAL, Harry V. Fuller.

All Notices, Announcements, Judgments, Orders and other Proceedings appearing in this department of THE WEEKLY REVIEW may be accepted as authentic.

MOTION DAY.

All contested motions and demurrers will hereafter be heard on Mondays, beginning at 3 P. M.; provided notice thereof with proof of service on the adverse party or his attorney shall have been filed in the clerk's office by 1 P. M. of the preceding Saturday.

ADMISSION TO THE BAR.

Hereafter, applicants for admission to the bar of this court, whether previously admitted elsewhere or not, will be examined on the following:

1. Extraterritoriality, 25 Corpus Juris, 299—331.
2. Extraterritorial Cases.
3. Extraterritorial Remedial Code.
4. U. S. Rev. Stats., secs. 4083—4131 (Act of Congress of June 22, 1860, 12 U. S. Stats. at Large, Ch. 179).
5. China Court Regulations.
6. Act of Congress of June 30, 1906 (34 U. S. Stats. at Large, Ch. 3934).

BAR EXAMINING COMMITTEE: Nelson E. Lurton. W. W. Blume. Roland S. Haskell.

Shanghai, China, January 2, 1923.

Minutes of Recent Proceedings

Hearings:

Feb. 5, 1923, Cause No. 1945, Chemische Fabrik Griesheim Elektron v. International Banking Corporation; On motion of Bradley & Co Ltd. to intervene.

" 5, " " " 2046, Valentin Roth v China International Corporation; on motion for petition to be made more definite

" 5, " " " 1856, Yu Fong S/S Co v Wm Katz & Co, continued one week.

" 5, " " " 2006 U. S. v Greenstone; arraignment.

" 5, " " " 1401, Rabenow v Grimes and Woods; on demurrer.

" 5, " " " 2075, In re William James Schroth's estate; on petition for issuance of letters of administration.

" 6, " " " 2048, U. S. v Slevin; testimony taken of A. H. F. Edwards; G. H. Yung; T. P. Cranston; E. S. Cunningham; H. Pallesen; defendant; P. S Crovat; L Lerbas; H. M Gallup; submitted on briefs to be filed.

UNITED STATES v. CHARLES W. HANNIGS

(Continued from last week)

The brothel inmate evidently did not tell the truth. She claims to have been attracted by the same noise which the other witness says he heard, to wit: the coolie's cry that someone was beating him. She was then undressed but she took time to don her clothes, climb up a ladder and go out on the roof after which she saw the entire occurrences—"two strikes on face and one kick" (p. 17). Yet according to the complaining witness the whole affair must have been over in a few seconds. He mentions only one blow followed immediately by the kick and the brothel inmate would not have had time to dress, let alone climb the ladder, in time to see what was happening. Indeed the coolie's cry, had it been uttered at all, would have been after or during the blow.

But not much more than this could be expected of witnesses in the occupation of these two who are offered for corroboration. In all countries of which we have any knowledge the testimony of brothel keepers and inmates is received with caution, not to say suspicion. In China itself they have always been of the lowest and *pariah* class without even legal status until the formation of the Republic.[2]

Upon such testimony and with no more corroboration we feel that it would be entirely unsafe to convict any one. For conviction must overcome all reasonable doubt of guilt and every accused is entitled to the presumption of innocence.[3] Such an offence as is here charged would, if proven, be promptly and severely punished; but we cannot lawfully convict this or any other defendant upon suspicion, nor upon general principles, nor to gratify his enemies.

The defendant is therefore acquitted with costs *de officio*, and his bail is released.

YU YAR CHUAN, PLAINTIFF vs. SHIPPERS COMMERCIAL CORPORATION, DEFENDANT

(Cause No. 1003; decided October 2, 1922.)

SYLLABUS

(By the Court)

1. **Contracts:** AGENCY: Where a party represented by a corporation to be its "general manager for China" signs for it printed memoranda in his possession it will be presumed in the absence of other evidence that he did so with authority.
2. ID.: PLEADING: NEGATIVE PREGNANT. A denial "that the defendant contracted with the plaintiff by three contracts in writing on or about July 12, 1919," is not a denial that the parties contracted at all.
3. ID.: ID.: An averment in the same pleading that "said contracts * * * provide" etc., amounts to a recognition that said parties contracted.
4. ID.: THE MEASURE OF DAMAGES for the breach of a contract for the sale of personalty is the difference between the contract and market price at the time and place of delivery.
5. ID.: ID.: LOSS OF PROFITS is allowable only upon competent evidence and so far as reasonably in contemplation of the parties when the contract was made.

Richard T. Evans, Esquire, for plaintiff;
Messrs. Davies & Bryan, by Mr. Bryan, for defendant.

LOBINGIER, J.:

This is an action for damages for the non-performance of contracts for the sale and delivery of 3400 cases of soap.

2. Werner, China of the Chinese (London 1919), 129.
3. U. S. v. Martin, I Extrater. 555; U. S. v. Osete, Id. 782.

(Before the Commissioner)

Feb. 3, 1923, Cause No. 2019, F. Richmond v. Dodge Seymour & Co.; on motion to strike; on demurrer.

,, 3, ,, ,, ,, 2068, A. F. das Caldas v. Liggett & Myers Tobacco Co.; on demurrer.

,, 3, ,, ,, ,, 2073, U. S. v. Page; plea of guilty.

,, 3, ,, ,, ,, 2070, U. S. v. Danner; plea of guilty.

,, 3, ,, ,, ,, 2069, U. S. v. Downs; plea of guilty.

,, 3, ,, ,, ,, 2071, U. S v. Crevling; plea of guilty.

Judgments and Orders:

Jan. 30, 1923, Kalgan Con. Ct. In re Alice May Shepherd's estate; order closing administration.

,, 31, ,, Changsha ,, In re Lewis Roy Jordan estate; order authorizing sale of certain persona property.

Feb. 5, ,, Cause No. 2075, In re William Jame Schroth's estate; order appointing administratrix.

(By the Commissioner)

Feb. 3, 1923, Cause No. 2019, F. Richmond v. Dodge Seymour & Co.; demurrer overruled; motion to strike sustained.

,, 3, ,, ,, ,, 2068, A. F. das Caldas v. Liggett & Myers Tobacco Co.; demurrer overruled

,, 27, ,, ,, ,, 2073, U. S. v. Page; defendant assessed costs and warned

,, 3, ,, ,, ,, 2070, U. S. v. Danner; defendant discharged with a caution.

,, 3, ,, ,, ,, 2069, U. S. v. Downs; defendant assessed costs and warned.

,, 3, ,, ,, ,, 2071, U S v Crevling; defendant fined $25.00 and costs.

Assignments for Hearing:

February 12, 1923, 3:00 p. m., Cause No. 1856, Yu Fong S/S Co. v. Wm. Katz & Co.

March 12, ,, 9:30 a m., Cause No. 1396, O J. Weeks Co Inc. v. Esso Co. of China.

The original instruments designated as "contracts" are in evidence and are typewritten on printed blank forms with the printed signature "Shippers Commercial Corporation by K. D. MacLean," the latter signature being written. It is now objected that there is no testimony of MacLean's authority to sign for defendant. Literally this is correct but the state of the record is such that testimony to that effect seems unnecessary. At the very outset of the trial, defendant moved for a continuance on the ground that "the manager for China of the defendant company is at present in Shanghai and will not arrive until Thursday evening." Later defendant's counsel offered in evidence the "letters written by witness to Mr. MacLean the manager of the defendant company" (p. 12). Finally, in cross-examining one of plaintiff's witnesses, defendant's counsel inquired, "Inasmuch as Mr. MacLean is not here may I reseve the right to cross-examine the witness again if Mr. MacLean so desires?"

It would seem to be a fair inference that defendant's "manager for China" whose presence at the trial was deemed so essential that the cross-examination was deferred pending his arrival, did not exceed his authority in signing the printed blanks used by his company.

However, we need not depend wholly on inference. The complaint as amended alleges—

> "That on or about July 12, 1919, plaintiff contracted with defendant for the supply of 3400 cases of soap by three contracts, marked Peking No. 1, Peking No. 2, and Peking No. 3, (whereof copies are hereto annexed). By Contract Peking No. 1, defendant agreed to supply plaintiff with 200 cases of 50 lbs. each 'Lennox' brand soap, immediate shipment, at gold $6.35 per case C. I. F. Peking." (par. 3)

The answer—

> "Admits all the statements made in paragraph three (3) of the complaint except that the defendant contracted with the Plaintiff by three (3) contracts in writing on or about July 12, 1919, which said statement the defendant denies." (par. 2)

The denial in this paragraph seems equivalent to what is known as a "negative pregnant,"[1] i. e. it denies "that the defendant contracted with the plaintiff by three contracts in writing on or about July 12, 1919," but does not deny that the parties contracted at any time. On the contrary the answer later avers

> "That said contracts referred to in allegation three (3) of plaintiff's complaint and offer to amend provide" (p. 2)

This appears to be a sufficient admission that the instruments referred to are contracts.

The further objection that there is no proof of non performance likewise appears to be disposed of by the answer which alleges "that said defendant has been unable to deliver said soap" etc., and then

1. C. J. vol. XXXI, 203, where it is observed:

> 'A negative pregnant is such form of a negative expression as may carry with it an affirmative. It arises from a too literal denial of the allegations of the declaration or complaint, or from a denial which is too large, tendering issue on more than is alleged. A negative pregnant is generally held not to raise a material issue, and the consequences are the same as when, for any other reason, an answer admits plaintiff's allegations without denying or avoiding them."

Miscellaneous Filings:

Jan. 31, 1923, Cause No. 1792, P. R. Moore v. Far East Trading Co. Inc.; respondent's brief.

,, 31, ,, ,, ,, 2068, A. F. das Caldas v. Liggett & Myers Tobacco Co.; marshal's return of summons.

,, 31, ,, ,, ,, 1945, Chemische Fabrik Griesheim Elektron v. International Banking Corporation; intervenor's affidavit; submission to jurisdiction; motion; notice of motion.

Feb 1, ,, ,, ,, 2073, U. S. v. Page; complaint.

,, 1, ,, ,, ,, 1862, Percy R. Moore v. Jay Elmont et al.; writ of execution issued.

,, 1, ,, ,, ,, 1856, Yu Fong S/S Co. v. Wm. Katz & Co.; notice.

,, 1, ,, ,, ,, 2068, A. F. das Caldas v. Liggett & Myers Tobacco Co.; demurrer.

,, 2, ,, ,, ,, 2046, Valentin Roth v. China International Corporation; motion and notice.

,, 3, ,, ,, ,, 2065, In re contempt of A. Tilton teele; motion.

,, 3, ,, ,, ,, 2019, F. Richmond v. Dodge Seymour & Co.; motion on appeal.

,, 3, ,, ,, ,, 2068, A. F. das Caldas v. Liggett & Myers Tobacco Co.; motion; notice; motion on appeal.

,, 3, ,, ,, ,, 2042, In re Charles L. Coltman's will; claim

,, 5, ,, ,, ,, 2045, Andersen, Meyer & Co. v. W. A. Weisel; notice of hearing.

,, 5, ,, , ,, 2074, Ih Ho Chang v. Continental Trading Co. et al.; complaint; summons issued

,, 5, ,, ,, ,, 1945, Chemische Fakrik Griesheim Elektron v. International Banking Corporation; affidavit in opposition to motion for permission to intervene.

,, 5, ,, ,, ,, 1920, M. S. Crow, Inc. v. J. R. Sommerville; marshal's return of summons.

,, 5, ,, ,, ,, 530, In re Laura Brown's estate; oath and bond of administrator.

,, 5, ,, ,, ,, 2075, In re William James Schroth's estate; petition; deposition; oath and bond of administratrix; letters of administration.

,, 6, ,, ,, ,, 2019, F. Richmond v. Dodge Seymour & Co.; motion to make more definite and certain.

,, 6, ,, ,, ,, 2068, A. F. das Caldas v. Liggett & Myers Tobacco Co.; motion to make more definite and certain.

,, 6, ,, ,, ,, 1943, Jay Elmont v. E. A. Henningsen; praecipe for execution; writ of execution issued.

,, 6, ,, ,, ,, 2056, Shanghai Municipal Council v. Jay Elmont et al.; answers.

,, 6, ,, ,, ,, 1792, P. R. Moore v. Far East Trading Co. Inc.; appellant's reply brief.

proceeds to specify grounds which would relieve defendant of the obligation to deliver but of which there is no proof. The answer does not, however, suggest any unwillingness on plaintiff's part to receive the soap and in view of defendant's admitted non-performance it seems hardly in a position to demand proof of plaintiff's willingness to accept delivery; tho. plaintiff when asked whether there had been any large quantity of soap in Tientsin since the preceding November answered, "I cannot tell; I only wait for his goods." This appears quite sufficient.

The only remaining question is as to the amount of plaintiff's damages, concerning which the evidence is, unfortunately, meager. The normal measure of damages for the breach of contract for the sale of personalty is the difference between the market price at the time agreed upon for delivery [2]. The memoranda of sale are undated but the testimony (p. 9) is that they were signed in the latter part of August, 1919. They called for immediate shipment but allowed "60 days to clear cargo", so that plaintiff would be entitled to delivery some time in the Autumn of that year. One of them, the smallest order, calls for "Lenox Soap" and the contract price (200 cases), another for soap "similar to Lenox" (1600 cases), while the third is for 1600 cases "similar to design of 'Sunlight Soap' sample accompanying, colour, smell and lather to be similar to 'Lenox Soap'." The testimony (pp. 2, 5) was that at the time of the trial no "Lenox" soap was obtainable in the Tientsin market but that "Sunlight" soap, which was not of as good quality, was selling, when last obtainable, at $7.18 per case delivered at the godown in Tientsin. The contracts, however, call for delivery "C. I. F. Peking" and the further testimony is that the charges for freight, duty, etc., would run the price up to $7.37 per case delivered in Peking. The conract price is $6.35 per case and the difference between the contract and market price is therefore 98 cents per case or a total on 3400 cases of $3.332.00.

Plaintiff also claims special damages "for the loss of his profits on resale." But we find evidence on which to base damages even it they were allowable. If he had resold immediately at the contract price his profits would have been covered by the item just computed for we certainly cannot presume that he would have sold a higher price. Moreover, the rule is well settled in this Court that loss of profits is allowable only so far as it could reasonably have been foreseen by the parties when contracting. [3]

It is accordingly considered and adjudged that plaintiff have and recover from defendant the sum of Mex. $3,332,00 together with his costs, and in view of the fact that the delay in disposing of this caseis due to defendant's application for time to take depositions, which were never taken, interest at twelve per centum per annum will be allowed from October 21, 1919. [4]

2. Dolph v. Troy etc. Co., 28 Fed. 553,557.
3. King Ping Kee v. American Food Manufacturing Co., I Extrater. 735; Davis v. Tsu En Sung, Id. 919.
4. Everett v. Swayne & Hoyt, I Extrater. 867.

Shanghai-Nanking Railway Abridged Time Table.

Shanghai North to Nanking—Up (Main Line) **Nanking to Shanghai North—Down**

STATIONS	Local	Fast R.	Local	3rd & 4th Local	Express R.	3rd & 4th	Local	Fast R.	Local	Fast Local	Local	Local	Night Express R. S.
Shanghai North d.		7.00	7.15	7.35	9.30	9.50	12.10	12.30	15.25	17.15	17.45	19.35	23.30
Nansiang ... ... d.		7.28	7.45	8.03	—	10.31	12.41	12.58	16.01	17.47	18.15	20.05	0.02
Soochow ... ... d.		8.59		9.41	11.14	12.53		14.43	18.24	19.39			1.39
Wusih ... ... d.	7.00	9.59		10.44	12.02	14.12		15.38	19.34	20.36			2.38
Changchow ... d.	8.14	10.56		11.41	12.49	15.28		16.38		21.38			3.42
Tanyang ... ... d.	9.30	11.52			13.38	16.28		17.38					—
Chinkiang ... d.	10.31	12.49			14.22	17.34		18.33					5.34
Nanking ... ... a.	12.30	14.21			15.45	19.35		20.02					7.20
Pukow ... ... d					17.05								9.30
Hsuchowfu ... d					1.16	T.P.L.						T. P. L.	19.40
Tsinanfu ... ... d.					9.38	II day						II day	6.00
Tientsin Central a.					18.05								15.25
Do. d.					18.15								16.16
Tientsin East ... a.					18.25	P.M.L.						P. M. L.	—
Do. d					18.55								—
Peking ... ... a.					22.06								19.15

STATIONS	Local	Fast Local	Local	Local	Fast R.	3rd & 4th Local	3rd & 4th	Fast R.	Local	Local	Express R.	Local	Night Express R. S.
Peking ... ... d.											10.15		3.50
Tientsin East ... a.										P.M.L.	13.35	P.M.L.	—
Do. d.											14.00		—
Tientsin Central a.											14.10		9.14
Do. d.											14.20		10.00
Tsinanfu ... ... d.										T. P. L.	22.21	T. P. L.	19.43
Hsuchowfu ... d.										II day	6.31	II day	5.28
Pukow ... ... a.											14.30		16.15
Nanking ... ... d.					7.40		8.10	11.05			15.50	16.15	23.00
Chinkiang ... d					9.20		10.25	12.54			17.29	18.27	0.52
Tanyang ... ... d.					9.57		11.21	13.36			18.03	19.26	—
Changchow ... d.					10.59	12.00	12.44	14.32			18.57	20.46	2.41
Wusih ... ... d.		7.20	7.10		11.59	13.02	14.07	15.33			19.43	21.52	3.53
Soochow ... ... d.		8.21	9.39		12.54	14.02	15.25	16.31			20.32		4.58
Nansiang ... ... d.	8.15	10.33	11.34	13.00	14.27	16.03	17.45	18.18	18.40	20.35	—		6.26
Shanghai North a.	8.42	11.00	12.05	13.30	14.55	16.30	18.20	18.45	19 13	21.05	22.00		6.50

Woosung Forts to Shanghai North—Up (Branch Line) **Shanghai North to Woosung Forts—Down**

Woosung Forts d.	6.45	8.15	9.40	11.05	12.30	13.55	15.20	16.45	18.10	19.35	21.00	22.25	23.50	1.15	Shanghai North d.	6.00	7.30	9.00	10.25	11.50	13.15	14.40	16.05	17.30	18.55	20.20	21.45	23.10	0.35
Kiangwan ... d.	7.10	8.40	10.05	11.31	12.55	14.20	15.46	17.10	18.35	20.00	21.25	22.50	0.15	1.40	Tientungan ... d.	6.05	7.35	9.05	10.30	11.55	13.20	14.45	16.10	17.35	19.00	20.25	21.50	23.15	0.40
Tientungan ... d.	7.16	8.46	10.11	11.37	13.01	14.26	15.52	17.16	18.41	20.06	21.31	22.56	0.21	1.46	Kiangwan ... d.	6.12	7.42	9.12	10.37	12.02	13.27	14.52	16.17	17.42	19.07	20.32	21.57	23.22	0.47
Shanghai North a.	7.20	8.50	10.15	11.41	13.05	14.30	15.56	17.20	18.45	20.10	21.35	23.00	0.25	1.50	Woosung Forts a.	6.35	8.06	9.35	11.00	12.25	13.50	15.15	16.40	18.05	19.30	20.55	22.20	23.45	1.10

R. Restaurant Cars. S. Sleeping Cars

* These additional trains run each Saturday and Sunday

Shanghai-Hangchow-Ningpo Railway Abridged Time Table.

Shanghai North to Zahkou—Down (Main Line) **Zahkou to Shanghai North—Up**

STATIONS	Local	Express R.	2nd 3rd & 4th	Fast R.	Local	Local	Night Express R.
Shanghai North ... dep.	..	8.00	9.00	13.20	15.45	..	19.15
Jessfield ... dep.	..	8.15	9.16	13.36	16.05	..	19.30
Siccawei ... dep.	..	8.21	9.23	13.43	16.13	..	19.36
L'hwa Junction ... dep.	..	8.35	9.40	14.00	16.30	..	19.50
Shanghai South ... dep.	..	*8.05*	*9.05*	*13.25*	*15.45*	*18.00*	*19.30*
Lunghwa Junction ... arr.	..	*8.38*	*9.35*	*13.48*	*16.05*	*18.18*	*19 38*
Sungkiang ... dep.	..	9.14	10.50	14.46	17.42	..	20.29
Kashai ... dep.	..	10.01	11.57	15.43	18.47	..	21.16
Kashing ... dep.	7.25	10.31	12.40	16.16	——	..	21.46
Yehzah ... dep.	8 19	11.02	13.32	16.56	....	..	22.17
Changau ... dep.	9.25	11.36	14.23	17.35	....	..	22.51
Hangchow ... dep.	11.00	12.30	16.00	18.50	....	..	23.45
Zahkou ... arr.	11.25	12.45	16.30	19.10	....	..	24.00

STATIONS	Local	Local	Express R.	Local	2nd 3rd & 4th	Fast R.	Local	Night Express R.
Zahkou ... d.	..	..	7.15	..	8.40	13.20	15.35	18.00
Hangchow ... d.	..	..	7.40	..	9.15	13.50	16.10	18.2*
Chuagan ... d.	..	..	8.29	..	10.45	15.00	17.45	19.14
Yehzah ... d.	..	..	9.00	..	11.53	15.37	18.45	19.45
Kashing ... d.	..	7.30	9.39	..	12.50	16.24	..	20.24
Kashai ... d.	..	8.02	10.02	..	13.26	16.52	..	20.46
Sungkiang ... d.	..	9.15	10.52	..	14.42	17.49	..	21.42
Lunghwa Junction ... d.	*8.37*	*10.57*	*11.37*	*15.57*	*16.07*	*18.42*	..	*22.38*
Shanghai South ... a.	*8.55*	*10.55*	*11.55*	*14.15*	*16 35*	*19.00*	..	*22.55*
L'hwa Junction ... d.	..	10.34	11.32	..	15.50	18.40	..	22.22
Siccawei ... d.	..	10.43	11.40	..	15.59	18.49	..	22.30
Jessfield ... d.	..	10.51	11.46	..	16.06	18.56	..	22.36
Shanghai North ... a.	..	11.05	12.00	..	16.20	19.10	..	22.50

Konzenchiao to Zahkou (Kiangshoo Branch Line) **Zahkou to Konzenchiao**

Konsenchiao ... dep.	7.05	9.10	11.35	13.45	16.05	17.30	22.55
Kenshangmun ... dep.	7.20	9.25	11.50	14.06	16.20	17.45	23.10
Hangchow ... dep.	7.37	9.37	..	14.17	..	17.57	..
Zahkou ... arr.	7.55	9.55	..	14.35	..	18.15	..

Zahkou ... dep.	8.10	10.10	..	15.05	..	18.30	..
Hangchow ... dep.	8.30	10.30	12.35	15.25	16.45	18.51	23.50
Kenshangmun ... dep.	8.42	10.47	12.37	15.37	16.57	19.08	0.03
Konsenchiao ... arr.	8.55	11.00	12.50	15.50	17.10	19.51	0.15

R. Restaurant Car.